



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

APPEAL FROM ORDER NO. 20 OF 2025

Khandu Atmaram Shelke and others .. Appellants

Versus

Dargah Hazrath Bawa Ramzan
Saheb Known as Kanoba and Graveyard
Through Its Rais Ijas Shaikh and another .. Respondents

Shri Swapnil Joshi, Advocate i/by J. P. Legal Associates,
Advocate for the Appellants.

Shri Taher Ali Quadri, Advocate for the Respondent No. 1.

Shri N. E. Deshmukh, Advocate for the Respondent No. 2.

CORAM : SHAILESH P. BRAHME, J.

DATE : 01ST DECEMBER, 2025.

FINAL ORDER :

. Heard. It transpires that first appeals preferred by the appellants challenging orders passed below Exhibit 22 and 23 in Suit No. 34 of 2025 are scheduled for hearing on 03rd December, 2025.

2. Learned counsel Mr. Swapnil Joshi points out that present appeal from order has become infructuous. It is further submitted that after the orders dated 05.05.2025 his clients were required to file applications Exhibit Nos. 22, 23 and 24 on 03.06.2025. According to him the relief sought in those applications would go to the root of the matter and there is no

point in proceeding with Exhibit 05 and the learned member of the Trial Court did not consider the said applications in proper perspective. The applications were rejected on 30.09.2025.

3. The record shows that present appeal was adjourned on 09.06.2025, 30.06.2025, 14.07.2025, 04.08.2025, 30.09.2025, 10.10.2025 and so on. Appellants could have intimated this Court about filing of the applications Exhibit Nos. 22, 23 and 24 on earlier occasions referred above. This Court has its reservations on the conduct of the appellants.

4. In any case the purpose of the appeal from order has been served and appeal has become infructuous. In view of the above the appeal from order stands disposed of.

[SHAILESH P. BRAHME J.]

bsb/Dec. 25