



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

FIRST APPEAL NO. 2966 OF 2025

Mohd. Salahuddin S/o Mohd. Bahauddin Qauzi .. Appellant

Versus

Mohd. Bahauddin S/o Ziauddin Kazi
and others .. Respondents

Mr. Arvind S. Deshmukh, Advocate for the Appellant.

**WITH
CIVIL APPLICATION NO. 12097 OF 2025
IN FA/2966/2025**

**CORAM : KISHORE C. SANT, J.
DATE : 10th NOVEMBER, 2025.**

PER COURT :-

1. Heard the parties.
2. The present appeal is filed by original defendant No. 3 challenging an order dated 23.09.2025 thereby rejecting the application below Exh. 145 with cost of Rs. 2,000/-. The application was filed in Waqf Suit No. 37/2010. Defendant No. 3 has challenged an order passed on an application below Exh. 59 in this Court and therefore, it is necessary to adjourn the hearing of the suit. The learned Tribunal by observing conduct of the parties and specifically that the defendant No. 3 is in collusion with the

plaintiff rejected the application. It is also observed that, the suit is pending since long. The Court further observed about the locus standi of the defendant No. 3 while rejecting the application. This Court finds that, the application is only for rejecting the application for adjournment with cost for the reasons stated therein. No interference is required at the hands of this Court. The main concern expressed by the learned advocate for the appellant is that, while dismissing the application the Tribunal has made certain observations about the conduct of the parties and that the defendant No. 3 is in collusion with the plaintiff. This Court hardly finds any substance in this submission as the observations are only for the purpose of rejecting the application and will not affect the case as such.

3. Considering above, the first appeal stands dismissed. No order as to costs.
4. In view of dismissal of first appeal, pending civil application also stands disposed of.

(KISHORE C. SANT, J.)

P.S.B.