

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

29 SECOND APPEAL NO. 307 OF 2006

MARATHWADA WAKF BOARD AURANGABAD AND ORS

VERSUS

WASAHATI MALKI GRAH NIRMAN SANSTHA BEED

WITH

CIVIL APPLICATION NO. 5659 OF 2013

IN SA/307/2006

WASAHATI MALKI GRAH NIRMAN SANSTHA BEED

VERSUS

MARATHWADA WAKF BOARD AURANGABAD AND OTHERS

WITH

CIVIL APPLICATION NO. 1185 OF 2025

IN SA/307/2006

MARATHWADA WAKF BOARD AURANGABAD AND ORS

VERSUS

WASAHATI MALKI GRAH NIRMAN SANSTHA BEED

...

Mr. N. E. Deshmukh, Advocate for Appellant Nos.1 and 2

Mr. Y. M. Khan, Advocate for Appellant Nos.4A to 4C and 5

Mr. H. V. Tungar, Advocate for Respondent

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CORAM : SHAILESH P. BRAHME, J.

DATE : 09.12.2025

PER COURT :-

. Mr. Tungar, learned counsel for the respondent has raised various objections pertaining to the maintainability of Second Appeal, engaging more than one counsel, filing composite Civil Application No.1185 of 2025 and repercussions of abatement of appeal as against appellant no.7.

2. In order to repel the objections raised by the respondent, learned counsel Mr. Y. M. Khan appearing for appellant nos.3 and 6 seeks leave to withdraw Civil Application No.1185 of 2025 with a liberty to prefer separate applications for bringing legal heirs of deceased appellant nos.3 and 6 and condonation of delay.

3. Leave is granted.

4. Civil Application No.1185 of 2025 is disposed of as withdrawn with a liberty to file separate applications. He undertakes to file these applications within two (2) weeks from today. He further informs that he has instructions to appear for legal heirs of deceased appellant nos.3 and 6 as well.

5. Both the learned counsels appearing for the appellants are *ad idem*, that only one counsel is working out the appeal, albeit it is filed through different counsels. The repercussions of the abatement of appellant no.7 can be dealt with during the course of final hearing.

6. List the present Second Appeal for final disposal on 13.01.2026. In the meantime, applications for taking steps against deceased appellant nos.3 and 6 shall be filed.

(SHAILESH P. BRAHME, J.)