



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

**CIVIL APPLICATION NO. 554 OF 2024
IN
CIVIL REVISION APPLICATION NO. 90 OF 2013**

Khamar Ali Shah S/o Mahboob Ali
Shaha Through L.Rs. Arefa Begam
W/o Syed Qamar Ali and others .. Applicants

Versus

The Nutan Education Society
Through Its Secretary .. Respondent

Shri Shaikh Wajeed Ahmed, Advocate for the Applicant.
Shri A. S. Deshmukh, Advocate for the Respondent Nos.
Shri S. V. Hange, A.G.P. for the Respondent/State.

**WITH
C.R.A. NO. 158 OF 2013
C.R.A. NO. 246 OF 2013
C.R.A. NO. 95 OF 2018
C.R.A. NO. 136 OF 2017
C.A. NO. 10645 OF 2023 IN CP/598/2013
C.A. NO. 10646 OF 2023 IN CRA/135/2013**

**CORAM : SHAILESH P. BRAHME, J.
DATE : 25TH NOVEMBER, 2025.**

ORDER :

. Applicants seek to bring legal heirs of the respondent No. 1
Khamarali Shah Maheboobali Shah on record.

2. The respondents have contested the application by filing
reply. The status of the applicants is challenged by the

respondents. My attention is adverted to the subsequent developments. Order dated 28.07.2021 was challenged in Waqf Application No. 23 of 2021 and it was allowed partly remanding the matter to the Appellate Authority for deciding it afresh. Matter is pending before the competent authority after remand. The order dated 11.12.2023 has also been quashed and set aside by the Tribunal in Waqf Application No. 95 of 2023 vide order dated 13th March, 2024. In this backdrop the applicants claim to be substituted.

3. The respondents have strongly resisted the application stating that vide notification dated 28.07.2021, the management has been taken over by the Maharashtra Waqf Board. Further reliance is placed on the notification dated 01.10.2025 entrusting their possession to District Waqf Officer. It is vehemently contended that in absence of any heirship certificate or Virasat, applicants cannot have any locus to represent the deceased.

4. Parties have rival claims over the status of legal heirs. There are subsequent developments. The heirship proceedings are pending before the competent Deputy Collector. Handing over of the physical possession appears to have been stayed vide order dated 19.11.2025 passed by the Tribunal in Waqf Application No. 119 of 2025.

5. Instead of deciding the present application independently, this Court proposes to decided civil revision applications finally.

6. The respondent No. 2 in revision namely Nasherali Shah also died and his legal heirs are on record. Their entitlement has also been disputed, but in any case the respondents will not be unrepresented if the revision is heard finally. Learned counsel is representing respondent Nos. 1 and 2 also.

7. List civil revision applications as well as Civil Application No. 554 of 2024 for final disposal on 18.12.2025 at 4.00 p.m.

[SHAILESH P. BRAHME J.]

bsb/Nov. 25