

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.9705 OF 2025
IN
CIVIL REVISION APPLICATION (ST) NO.34114 OF 2024

Shree Ram Mandir Trust Thr. Its Chairman Prakash
Karyekar and Anr. .. Petitioners

Versus

Shaikh Mohammed Hanif Magan Bhai and Ors. .. Respondents

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- Mr.Rahul Thakur, Advocate for Applicant.

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 28, 2025

P. C.:

- 1.** Heard Mr.Thakur, learned Advocate for Applicant.
- 2.** At the outset, I am informed by Mr. Thakur that matters pertaining to challenge to the orders passed by the Wakf Board are to be listed before this Court.
- 3.** Proceeding before me is Interim Application No.9705 of 2025 alongwith Civil Revision Application (St) No.34114 of 2024. Civil Revision Application challenges judgment dated 08.01.2019 passed by the Wakf Tribunal, Aurangabad at Aurangabad in Wakf Suit No.82/2012 between plaintiffs and defendants therein. Applicants in the present Interim Application are not party to the said suit proceedings. Mr. Thakur would submit that subject matter of the suit proceedings is the suit land / subject property in the suit proceedings for which judgment dated 08.01.2019 is delivered infact belongs to

Applicants and without Applicants being informed or being made aware of the suit proceedings, the suit was filed to the detriment of the right of Applicants. Hence Applicant has filed Civil Revision Application.

4. Applicant No.1 is a trust called Shree Ram Mandir Trust which claims to be holder of the suit land / property since times immemorial which is claimed on the basis of long standing revenue record of the suit land in its name alongwith possession.

5. Be that as it may, before I hear the Civil Revision Application Mr. Thakur has drawn my attention to the Interim Application seeking condonation of delay in filing the Civil Revision Application to challenge said judgment passed by the Wakq Tribunal, Aurangabad. According to Mr. Thakur there is delay of 5 years and 234 days in filing the Civil Revision Application as and from 08.01.2019 till the date of its filing in 2024. *Prima facie* delay would not be of 5 years and 234 days as stated in the Application since the intervening period between 15.03.2020 and 28.02.2022 was arrested by the Supreme Court insofar as the limitation is concerned due to the Covid-19 Pandemic period by virtue of its orders passed in Suo Motu Petition Nos.3/2020, 4/2020. In that view of the matter disregarding the 2 year of Covid – 19 Pandemic period from the above delay involved in filing present Civil Revision Application the delay would be

approximately 2 years and 10 months from 08.01.2019 to 21.11.2024. Thus giving benefit of the Covid-19 Pandemic period during which limitation was arrested to the Applicant before me the delay of 2 years and 10 months will have to be considered and condoned for filing the present Civil Revision Application. Interim Application cannot be rejected on the ground of delay for the simple reason that Applicant before me claims right title and entitlement to the suit land / subject property and is also in its possession and it is only in Darkhast proceedings the Applicant was made aware of passing of the decree in respect of suit land / subject property. Mr. Thakur would submit that in Execution proceedings Applicant desired to place on record all such necessary details pertaining to its right, title and entitlement to the suit land but the Executing Court would not travel beyond the decree. Thus the only avenue open for Applicant was to approach this Court by way of filing Civil Revision Application to challenge the judgment dated 08.01.2018 passed by the Wakf Tribunal. That having been done Mr. Thakur would persuade the Court to condone the delay in filing the Civil Revision Application and list the same for hearing.

6. Having heard Mr.Thakur and considering the averments made in the Application, the delay in the present case deserves to be condoned for the reason that Applicant was completely unaware about the passing of judgment dated 08.01.2018 which Applicants claim to

be in respect of property in their possession and belonging to Applicants. Though the period of delay is humongous and as observed after giving benefit of Covid -19 period delay it is still of 2 years and 10 months but for the reasons stated hereinabove I am inclined to condone the delay and allow the Interim Application filed by Applicant and list the Civil Revision Application for hearing.

7. In view of the above, Interim Application No.9705 of 2025 is allowed in terms of prayer clause A. Delay as above stands condoned in filing the CRA.

8. Registry is directed to list Civil Revision Application (St) No.34114 of 2024 on Board for hearing before this Court after removal of office objections by the learned Advocate for the Applicant.

9. Mr. Thakur would submit that he shall remove office objections within a period of two weeks from today. If that be so, list the Civil Revision Application on Board after two weeks.

10. List Civil Revision Application on Board on **11th August, 2025.**

11. Interim Application is allowed in the above terms and disposed.

[MILIND N. JADHAV, J.]