

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11936 OF 2025

Saifee Burhani Upliftment Trust ...Petitioner
Versus
State of Maharashtra & Ors. ...Respondents

Mr. Ashish Kamat, Senior Advocate, a/w Pralhad Paranjape,
Huzefa Saifee, Fatema Kachwala, Yogini Borade and Virgil
Branganza, i/b JSA, for the Petitioner.

Mr. A. I. Patel, Addl GP, a/w Sulbha Chipade, AGP, for the
Respondent-State.

Ms. Nikita Lad, a/w Ishwar Ahuja, Rukshin Ghiara, Gaurav
Nair, i/b Saga Legal, for Respondent Nos. 2 and 3.

Mr. Zubin Sheth, i/b YNA Legal, for Respondent No.5.

Mr. Sanjeev M. Gorwadkar, Senior Advocate, a/w Yusuf
Baugwala, i/b Sana Yusuf Baugwale and Mohiyuddin
Yusuf Baugwala, for Respondent Nos. 6 and 7.

CORAM: N. J. JAMADAR, J.
DATED: 6th NOVEMBER, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an ad-interim order passed by the Waqf Tribunal in Waqf Application No.23 of 2025, thereby staying the effect, execution and operation of the order dated 25th March, 2025 in File No.5(2) and 40, 92/2022 passed by the Waqf Board.
3. The principal grievance of the petitioner and respondent No.5 Trust is that the impugned order was passed *ex parte*. The

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petitioner and respondent No.5 have preferred application to vacate the ad-interim order, which is impugned in this petition, before the Tribunal. The petitioner has also filed an application questioning the maintainability of the Waqf Application No.23 of 2025 before the Tribunal. However, the Petitioner and respondent No.5 claim, those applications have not been heard by the Tribunal expeditiously.

4. Mr. Gorwadkar, the learned Senior Advocate for respondent Nos.6 and 7, disputes this position.

5. Without delving into the question as to who of the parties is blameworthy, since the challenge in the instant petition is to an ad-interim order and applications have been filed by the petitioner and respondent No.5 to vacate the said ad-interim order, it would be appropriate that those applications are heard and decided by the Tribunal expeditiously.

6. The Court is informed that the application is scheduled to be listed before the Tribunal on 18th November, 2025.

7. Mr. Kamat, the learned Senior Advocate for the petitioner, on instructions, submits that the petitioner will appear before the Tribunal on the scheduled date and will not seek any adjournment.

8. Mr. Gorwadkar submits that Respondent Nos.6 and 7 are not averse to expeditious disposal of the applications.

9. The learned Counsel for the parties submit that even the application for interim relief (Exhibit-5) in Waqf Application No.23 of 2025 can also be heard and decided alongwith the applications to vacate the ad-interim order and the application questioning the maintainability of Waqf Application No.23 of 2025. Indeed, such a course would obviate the duplication of hearing as all applications can be decided simultaneously.

10. The petition thus stands disposed with the following directions:

(a) The parties shall appear before the Tribunal on 18th November, 2025.

(b) The Tribunal is requested to hear and decide the application (Exhibit-5) in Waqf Application No.23 of 2025 and the applications to vacate the ad-interim order and the application questioning the maintainability of Waqf Application No.23 of 2025, as expeditiously as possible and, preferably, within a period of eight weeks from 18th November, 2025.

(c) The parties shall co-operate in the hearing and disposal of the applications within the stipulated period and shall not seek any adjournment.

(d) It is hereby made clear that this Court has not entered into the merits of the matter and all contentions of all the parties are kept open for consideration.

[N. J. JAMADAR, J.]