

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1552 OF 2025
WITH
INTERIM APPLICATION NO. 10704 OF 2025

Linker Shelter Pvt. Ltd. & Ors. ...Applicant

Versus

Dudadhari @ Kathada & Kagzipura Masjid Trust ...Respondent
and Ors.

SNEHA
NITIN
CHAVAN

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Date: 2025.08.07
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Mr. Sagheer Khan a/w Ms. Afsha Khan, Mr. Dawood Khan, Ms. Tasmiya Siddiqui, Mr. Aqil Khan i/b Judicare Law Associates for the Applicants.
Mr. Rohit Pawaskar a/w Mr. Yusuf Baugwala, Sana Baugwala, Mohiyuddin Baugwala and Muddossar Sayed for Respondent Nos. 1, 3 and 5.

CORAM : M.M. SATHAYE, J.
DATE : 6th AUGUST, 2025

P.C. :

1. The matter is called out in the first session.
2. Learned advocate for the parties have jointly tendered consent terms dated 06.08.2025.
3. The authorized signatory of the Appellant No.1 Developer and Appellant No.3, who has signed for himself and as Constituted Attorney of Appellant Nos. 2 and 4 to 7, are both present in the Court and duly identified by learned Counsel for the Appellants.

4. The Consent Terms are also signed by Respondent Nos. 4 and 5, who are stated to be the only existing trustees of Respondent No.1/Trust, who are duly identified by learned advocate for the Respondent trust.

5. The Consent Terms are also signed by respective Advocates.

6. It is stated on instructions by learned Counsel for the Respondents that remaining trustees shown as parties have either expired or resigned from trusteeship.

7. Considering that Respondent/Trust is sought to be represented by Respondent Nos. 4 and 5 on assertion that they are the only existing Trustees, they are directed to file affidavit to that effect and also stating about the death/resignation of remaining Trustees. Necessary affidavit be filed in the afternoon session.

8. In the afternoon session, the Respondent Nos. 4 and 5 have filed an affidavit stating that as on today, they are the only trustees of Respondent No. 1/Trust and other trustees viz. Respondent (No.1) Sayed Abdul Shakoor Sayed and Resp. No.2 – Shaikh Malang Amir Shaikh have expired and Resp. No. 3 - Shaikh Mushtaque Abdul Karim has resigned from the post of trusteeship and true copies of concerned death certificates and resignation letter/affidavit are annexed to consent terms.

9. Consent terms are marked as “X” for identification and the affidavit of Respondent Nos. 4 and 5 is marked as “Y” for identification. Both are taken on record.

10. Before the Appeal and interim application can be disposed of in view of Consent Terms, it is found necessary to verify whether the Waqf-Tribunal hearing Appeal No. 1 of 2016 can be directed as agreed between the parties.

11. For the said purpose, stand over to 13/08/2025. To be listed for 'urgent admission'.

12. Interim arrangement agreed on 04/08/2025 is continued till the next date. Likewise, learned Advocate for the parties jointly agreed that an adjournment will be sought before the Waqf-Tribunal by consent/joint application.

(M.M. SATHAYE, J.)