

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. And Ors.Appellants
V/S

Dudadhari @ Kathada @ Kagzipura Masjid
Trust, Nashik And Ors.Respondents

Mr Sagheer A. Khan a/w Mr G. D. Shaikh, Ms. S.S. Nachan and Mr. Mohd. Aqil Khan, Mr. Dawood i/b Judicare Law Associates for Appellants.

Mr. Rohit Pawaskar a/w. Mr. Mohiyuddin Yusuf Baugwala, Mr. Sayed Muddassar, Ms Sana Baugwala, Mr. Yusuf S. Baugwala & Mr Mohiyudding Baugwala.

CORAM : M.M. SATHAYE, J.

DATE : 26th AUGUST, 2025

P.C. :

1. Heard learned Advocates for the parties. The present appeal is filed by Respondent Nos.1 to 7 in Waqf Appeal No.1 of 2016 which is pending before the Maharashtra State Waqf Tribunal, Aurangabad (for short, "Tribunal"). The appeal challenges an order dated 30.05.2025 passed by the Tribunal allowing application Exh.182 partly, thereby setting aside findings given by the Chief Executive Officer (for short, 'CEO') of Maharashtra State Waqf Board (for short, 'the Waqf Board') and direction was issued to the Waqf Board to submit its findings on the evidence recorded on the issues and additional issues. The aspect which was under consideration before the Tribunal when the impugned order was passed was as to whether the CEO of the Waqf Board was duly authorised to render/submit findings or not.

2. On 06.08.2025 the parties have filed consent terms agreeing that they have no objections if the Tribunal considers evidence recorded by CEO while deciding pending Waqf Appeal No.1 of 2016 without being influenced by the findings recorded by CEO.

3. It is not in dispute that Waqf Appeal No.1 of 2016 is pending before the Tribunal for consideration in accordance with law under order of this Court dated 08.10.2021 passed in Civil Revision Application No.102 of 2019 and Civil Revision Application (St.) No.25385 of 2019. Perusal of the said order indicates that the Waqf Tribunal was directed to adjudicate the appeal on its own merits uninfluenced by any observation made in the said order.

4. It seems that thereafter the parties were litigating in respect of actual recording of the evidence, but now have reached consensus. There is no dispute that the Tribunal is competent under law to hear the appeal on merits.

5. In that view of the matter, the first appeal is disposed of in terms of consent terms dated 06.08.2025.

6. The Waqf Tribunal at Aurangabad is directed to hear and dispose of the Waqf Appeal No.1 of 2016 expeditiously, within a period of three months from receipt of the record which is presently lying with the Waqf Board.

7. The Waqf Board and its CEO are directed to send concerned record to the Tribunal immediately, within a period of 2 weeks from today.

8. Appeal and pending application are disposed of in above terms.

No order as to costs.

9. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)