

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

CIVIL REVISION APPLICATION NO. 105 OF 2019

Mohd. Saleemuddin Mohd. Nizamuddin ... Petitioner
Versus
1. Baburao Dhondiba Sathe
Died through his L.Rs.
1/1) Rukhmanibai Ranganth Sathe and others ... Respondents

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Mr. Javed H. Deshmukh, Advocate for petitioner.
Mr. N. E. Deshmukh, Advocate for respondent No.11.
Mr. S. G. Chapalgaonkar, Advocate for respondent Nos. 12 and 13.

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**CORAM : P. R. BORA, J.
DATED : 21st JUNE, 2019.**

PER COURT:-

1. Heard Mr. Deshmukh, learned counsel appearing for the petitioner. The learned counsel submitted that during pendency of the civil suit before the Wakf Tribunal, the interim order was operating in favour of the petitioner, whereby, the respondents were restrained from creating any third party interest in the suit property. The learned counsel submitted that the Wakf Tribunal has on erroneous grounds dismissed the suit filed by the petitioner. The learned counsel further submitted that substantial grounds are raised in exception to the judgment delivered by the Wakf Tribunal impugned in the present civil revision application. The learned counsel further submitted that after dismissal of the suit, it is the serious apprehension of the

petitioner that the respondents may create third party interest in the suit property. Learned counsel, in the circumstances has prayed for ad-interim exparte relief against the respondents while issuing the notice to the respondents.

2. Learned counsel Shri Chapalgaonkar has caused his appearance for respondent Nos. 12 and 13 and seeks time to submit affidavit-in-reply on behalf of the said respondents.

3. Learned counsel Shri Deshmukh has caused appearance for respondent No.11 i.e. the Maharashtra State Board of Wakfs.

4. Considering the submissions made by the learned counsel appearing for the petitioner, the following order is passed.

O R D E R

- (a) Issue notice to the respondents, returnable on 24th July, 2019.
- (b) Mr. Deshmukh, learned counsel waives service of notice for respondent No.11 and Shri Chapalgaonkar, learned counsel waives service of notice for respondent Nos. 12 and 13.
- (c) Till then, the respondents shall not create any third party interest in the suit property.

[P. R. BORA, J.]