

AD. 11 and 12.
July 27, 2021.
MNS.

C. O. No. 1261 of 2021
with
C. O. No. 1262 of 2021
(Via video conference)

Syed Amanul Bari
Vs.
Board of Auquaf and others

Mr. M. A. Samad

... for the petitioner.

C. O. No. 1261 of 2021 has been preferred by the alleged Mutwali of a Wakf Estate against an order whereby the petitioner's prayer for review of an earlier order was rejected. Such parent order has been impugned in C. O. No. 1262 of 2021.

It is seen from the papers annexed to the revisional applications that although the matter had initially been disposed of during the lockdown going on in view of the pandemic situation and the parties did not get adequate opportunity to be heard, the matter was disposed of on merits by the Tribunal.

Even the subsequent order, refusing the application for review on technical ground, instead of adopting a lenient approach in view of the factual circumstances, as indicated above, is *prima facie* bad in law.

These revisional applications are, thus, required to be heard on the question whether the Tribunal acted without jurisdiction in passing the orders impugned in both the revisional applications.

Accordingly, the petitioner shall serve copies of these revisional applications on the opposite parties indicating that these matters shall next be enlisted for hearing on August 25, 2021, when the petitioner shall file an affidavit-of-service to that effect.

Affidavits, if any, shall be exchanged between the parties in the meantime.

There shall be stay of operation of order no. 58 dated March 11, 2021 and the order dated July 8, 2020 passed in connection with Suit No. 24 of 2014, pending before the Waqf Tribunal,

West Bengal, till September 30, 2021 or until further order, whichever is earlier.

It is made clear that further proceeding of the suit shall also remain stayed and the interim order granted therein will not operate as automatic revival of the suit at this stage without hearing the opposite parties.

(Sabyasachi Bhattacharyya, J.)