

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**REVIEW PETITION (STAMP) NO.12697 OF 2015**  
**IN**  
**CIVIL REVISION APPLICATION NO.261 OF 2011**

Syed Muzaffar Hussain s/o Gulam Dastgir ]  
 Peerzada and Anr. ] ... Petitioners

Versus

Peer Syed Ishaque Shah Qadri Dargah and ]  
 Masjid Trust and Ors. ] ... Respondents

Mr. Abdul Karim Naziruddin Mulla for Petitioners.

Mr. Surel S. Shah a/w H. Rahman i/b Sanjay Sinha for Respondent  
 No.1.

**CORAM :- M. S. SONAK, J.**  
**DATE :- APRIL 30, 2015**

**P. C. :-**

1. This Review Petition has been filed on two grounds :  
 (a) That the order impugned in the Revision Application was a final order and therefore, as against the same, no Revision Application was maintainable. In support, reliance was placed upon the decision in the case of ***Ruda Ram & Anr. v. Ibrahim & Ors.***<sup>1</sup>;

---

<sup>1</sup> AIR 2007 (NOC) 1762 (RAJ.)

(b) That in making the order dated 15/04/2015, this court has not taken into consideration the decision of the Hon'ble Supreme Court in the case of ***Maharashtra State Board of Wakfs Vs. Yusuf Bhai Chawala and Others***<sup>2</sup>.

2. In the present case, the order dated 22/12/2010 cannot be regarded as some interim order or interlocutory order merely because it may have remanded certain issues for reconsideration by the Wakf Board. The order impugned had all the attributes of finality and as such, revision, under proviso to Section 83 (9) of the Wakf Act, 1995 was very much maintainable.

3. Insofar as the decision of ***Maharashtra State Board of Wakfs Vs. Yusuf Bhai Chawala and Others*** (*supra*) is concerned, ultimately after observing that administration of Wakf in Maharashtra cannot be kept in vacuum, the Hon'ble apex Court has directed maintenance of *status-quo* in respect of alienation or encumbrance of wakf properties are concerned. This was really not the issue involved in Civil Revision Application No.261 of 2011. Therefore, on the basis of the decision of the Hon'ble Apex Court, there is no case made out for review. Accordingly, this Review Petition is dismissed.

(M. S. SONAK, J.)

---

<sup>2</sup> (2012) 6 Supreme Court Cases 328