

WAQF SUIT NO. 106/2023

MOHSIN AKBAR KHAN

Vs.

GURU TEGBAHADUR EDUCATION SOCIETY, OSMANAPURA,
AURANGABAD

ORDER BELOW EXH. 28

- 1] Perused the application and say of plaintiff.
- 2] Heard respective counsel for defendant No.1 and plaintiff.
- 3] Present application is filed by defendant No.1 to take their written statement on record. It is their contention that, they could not file their written statement within prescribed period because of some confusion in the name of defendant No.1. Tarvindarshingh Dhillan is not president of defendant No.1. Accordingly, requested to accept the written statement of defendant No.1.
- 4] Plaintiff opposed the application by filing say on application Exh.28 itself. It is contended that, no satisfactory reason is assigned by the defendant No.1 for accepting their written statement and further contended that, in case application is allowed then heavy cost of Rs. 25,000/- be imposed upon the defendant No.1.
- 5] During the course of argument, learned advocate for defendant No.1 submitted that, due to want of appropriate instruction, written statement could not be filed on behalf of defendant No.1. At the outset, we would like to mention that, defendant No.1 shown their bonafide by annexing their written statement along with present application which

indicates that, they do not want to protract the matter. Keeping in view this fact and without going into technicalities, for advancement of justice, we are inclined to allow present application by imposing certain costs upon the defendant No.1. Hence, we pass the following order.

ORDER

- 1) Application at Exh.28 is allowed subject to costs of Rs. 2000/- (Rs. Two thousand) payable to plaintiff.
- 2) On payment of costs, written statement filed by defendant No.1 be taken on record and marked exhibit.
- 3) Accordingly, application stands disposed of.

Date: 16.02.2024

Place: Aurangabad.

Sd/-

(**M. T. Asim**)

District Judge/Chairman
Maharashtra State Waqf Tribunal
Aurangabad.

Sd/-

(**Anees Shaikh**)

Retired Dy. Secretary, State Civil
Services/Member M.S.W.T. Aurangabad

Sd/-

(**Mohd. Mohiuddin Moied**)

Having knowledge of Muslim law
& Jurisprudence/Member,
M.S.W.T. Aurangabad.