

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 4 OF 1999

Gitadevi D. Jadhav and others	.. Appellants
VERSUS	
Janardhan A Pawar and others	.. Respondents

Mr. Ajinkya Kale, Advocate i/b. Mr. S.B. Talekar, Advocate
for the appellants

Mr. Sandesh Hange, Advocate i/b. Mr. R.N. Dhorde, Advocate
for the respondent nos.1, 20, 21.

Mr. M.N. Navandar, Advocate i/b. Mr. K.G. Navandar, Advocate
for respondent no.2.

CORAM : M.T. JOSHI, J.
DATE : 15/01/2015

ORAL ORDER :

1. Heard both sides.

2. Submissions from both sides would show that the learned Joint Charity Commissioner has directed for removal of the present proforma respondent no.20-Shivajirao Chimaji Shelar from the Office of President of the Trust. Therefore, the members of the Executive Committee were directed to take necessary steps to chose the person to the post of President and to submit the change report accordingly. Similarly, the present respondent no.21-Annasaheb Shripati Shinde was removed from the post of Treasurer of the trust and the same direction regarding him were also issued. The aforesaid

order of the Joint Charity Commissioner was set aside by the learned 2nd Additional District Judge, Ahmednagar in an application under section 72 of the Bombay Public Trusts Act. Aggrieved by the said decision, the present appeal is preferred by the original applicants.

3. The present appeal is already dismissed against respondent nos.6, 12, 13, 14 and 16 as well as the respondent no.21-Annasaheb, in whose favour the order was passed by the learned Additional District Judge. Further, there was no stay to the execution of the impugned order of the learned Additional District Judge during the pendency of the present appeal since the year 1999.

4. In the circumstances, while in absence of the necessary parties, the appeal cannot be proceeded with, in view of the passage of time, the appeal has become infructuous. The Appeal is therefore dismissed without any order as to costs.

[M.T. JOSHI]
JUDGE

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