

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2393 OF 2015
WITH
CIVIL APPLICATION NO. 3172 OF 2015

PRADIP VITTHAL PATIL AND OTHERS
VERSUS
THE ASSISTANT CHARITY COMMISSIONER, JALGAON AND OTHERS

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Advocate for petitioners : Mr. P. R. Katneshwarkar
A.G.P. for respondent No. 1 : Mr. U. S. Mote
Advocate for respondent Nos. 2 & 10 : Mr. B. R. Warma
Advocate for respondent Nos. 3, 6 & 7 : Mr. S. P. Shah
Advocate for respondent Nos. 8 & 9 : Mr. V. J. Dixit, Senior Counsel with
Mr. S. B. Yawalkar.
Advocate for caveator and applicant in civil application: Mr. S. B. Talekar
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**CORAM : A. V. NIRGUDE AND
V. K. JADHAV, JJ.**

DATED : 9th MARCH, 2015

PER COURT :-

1. Heard.
2. Mr. B. R. Warma, the learned counsel for respondent Nos. 2 and 10, wanted to withdraw his appearance in this case as he thinks that the Bench has offended him.
3. The learned counsel Mr. Talekar appeared before us and stated that he is trying to intervene in this case for and on behalf of Shri A. M. Jain, who claims to be the Secretary of respondent No. 11 Trust. Shri A. M. Jain is not party to this petition but still we allow him to address us through his counsel Mr. Talekar.

4. We have heard the respondents again. We have also perused our order dated 04.03.2015. We reiterate that the order of the Division Bench of this Court dated 02.02.2015 is comprehensive and decisive. It is also confirmed by the Hon'ble Supreme Court. We found that when this order was passed by the Division Bench of this Court, the Court had before it, page No. 41 i.e. the election programme declared by one Shri S. O. Mali, Secretary, dated 01.02.2015. At that time, there was no dispute between the parties as to whether Shri S. O. Mali was empowered to issue this programme and whether he was the Secretary etc. Whatever it may be, the election programme on page No. 41 is now confirmed up to the Supreme Court and the parties are enjoined to follow the same.

5. The learned counsel for respondents tried to suggest that Shri S.O. Mali was not empowered to issue this programme. Someone else i.e. Shri A. M. Jain is the Secretary and is entitled to issue such programme and that there is a possibility of a parallel programme issued by Shri A. M. Jain and that there is a possibility of taking place of parallel elections.

6. We are aware that this happens many a times in a society of this nature but, at least in this case, it is not possible. The programme is declared before this Court and is confirmed up to the

Supreme Court. The parties should, therefore, abide by this programme. This would certainly curtail the disputes between the parties. In any case, after the election, the disputes can still be resolved while deciding application under Section 22 of Bombay Public Trust Act, 1950.

7. The learned counsel for the petitioners states that the petitioners do not want any other relief. The Writ Petition is accordingly disposed of.

8. In view of disposal of Writ Petition, nothing remains to be adjudicated in the Civil Application and the same is accordingly disposed of.

(V. K. JADHAV, J.)

(A. V. NIRGUDE, J.)

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