

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 4171 OF 2015

PANDURANG BAPUJI SANGALE
VERSUS
ATUL VITHAL SHIRSATH AND OTHERS

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Advocate for Petitioners : Mr. Amol S. Sawant.

Advocate for Respondents No.1 & 2 : Mr. Shailesh P. Brahme.

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CORAM : **SUNIL P. DESHMUKH, J.**

DATE : 19th August, 2015.

Per Court:

1 Heard the learned counsel for the petitioner and learned counsel for respondents No.1 and 2.

2 The petitioner purports to challenge the order passed on 21st February, 2015. Upon an application by the present petitioner to treat an issue to be preliminary by framing an issue with regard to *locus standi* of present respondents No.1 and 2. The learned counsel for the petitioner has advanced various arguments referring to that respondents No.1 and 2 cannot be the persons having interests in the affairs of the society or the Trust, as both the respondents cannot be said to be the members of the society. These submissions are being advanced with reference to the definition of “persons having interest”

referred to in the Maharashtra Public Trusts Act.

3 The learned counsel for respondents No.1 and 2 refers **AIR 1978 Bombay 196** (*Digambar Pralhad Jot and others Vs. Satyanarayan Biharilal Zunzunwala and others*) and contends that it would be hazardous to go by the enumerations as appearing in the definition of the persons having interest in the Trust Act. The interpretation has been placed on the same by Division Bench of Bombay High Court stating that the list is not exhaustive and will depend on the facts and circumstances of the case.

4 In the present matter, issues are yet to arise. Looking at the controversy, it appears that the evidence in this respect may be required, however, at this stage, the application itself appears to be premature.

5 Under the circumstances, the writ petition is not being entertained and the same stands rejected.

[SUNIL P. DESHMUKH, J.]