

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5495 OF 2015

Kailash Shivhar Khurpe and others

...PETITIONERS

versus

Onkar Uttamrao Khurpe and other

...RESPONDENTS

.....

Mr. V.D. Gunale, Advocate for Petitioners
Mr. V.D. Salunke, Advocate holding for
Mr. Arun V. Rakh, Advocate for respondent No. 1
Mr. V.G. Shelke, A.G.P. for respondent No. 2

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CORAM : SUNIL P. DESHMUKH, J.

DATED : 3rd AUGUST, 2015

Order :-

1. After hearing learned counsel for petitioners as well as respondents the situation boils down to that, pursuant to order dated 31-03-2015, elections of trust are said to have been conducted and change report bearing No. 425 of 2015 dated 02-03-2015 is pending before the Assistant Charity Commissioner whereas, pursuant to order dated 24-04-2015 it appears that elections are conducted and change report No. 515 of 2015 has been lodged on 01-06-2015 and the same is also pending consideration. Parties challenge the genuineness of the elections and claims of other side. However, since the situation surfaces that it is almost indisputed that both orders dated 31-03-2015 and 24-04-2015 have been acted upon and claims are being made accordingly before the Assistant Charity Commissioner. In such a situation, it would be expedient that change reports are decided by the

Assistant Charity Commissioner on merits and in accordance with law without being influenced by dates of orders.

2. Assistant Charity Commissioner as such to decide the change reports of either sides as expeditiously as possible, preferably within a period of three months from the date of receipt of writ of this order on their own merits in accordance with law without being influenced by dates of orders as referred to hereinbefore.

3. With aforesaid directions, writ petition stands disposed of.

Sd/-

(SUNIL P. DESHMUKH, J.)

MTK