

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

928. CA/6492/2015 In FAST/13776/2015 WITH CA/6493/2015 In
FAST/13776/2015 WITH CA/6587/2015 In FAST/15834/2015 WITH
CA/6588/2015 In FAST/15834/2015
VAISHALI PRAMOD SONAR AND OTHERS V/S SOMNATH SHANKAR THORAT
(SONAR) AND OTHERS

Mr. S.P. Brahme and Mr. A.S. Savant, Advocates for respective applicants.

Mr. V.D. Hon, Senior Counsel i/b. Mr. A.V. Hon, Advocate for respondent No. 2.

CORAM : T.V. NALAWADE, J.
DATED : 24th June, 2015.

ORDER :

1. Civil Application Nos. 6492/2015 and 6587/2015 are filed for grant of leave to file appeals against the order made by the learned Jt. Charity Commissioner in Inquiry No. 4/2015. The learned Jt. Charity Commissioner has made appointment of new trustees by presuming that there were no trustees for managing the trust.

2. It is the case of applicants that they were trustees. It appears that some trustees were removed by using section 41-D of the Trust Act, District Court has granted stay to the order made under section 41-D atleast to some extent in favour of some persons and they have challenged that decision by filing

appropriate proceedings in the District Court and those proceedings are still pending. In view of the provision of section 47(5), the order made by the Jt. Charity Commissioner is appealable and applicants appear to be interested in trust. It is their case that no notice in the said proceeding is given even when they were working as trustees.

3. In view of these circumstances, the applications filed for leave to file appeal are allowed. Leave is granted.

4. Notice to respondents be issued in both the appeals and civil applications filed along with the appeals for stay. Learned Senior Counsel Shri. Hon waives notice for caveator respondent No. 2. Private service is allowed in respect of remaining respondents in addition to regular process. Hamdast allowed in respect of private service. Stand over to 3.7.2015.

[T.V. NALAWADE, J.]

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