

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

7. CP/531/2015 In SA/239/2013

LAXMANRAO SHANKARRAO DESHMUKH DECEASED AND OTHERS
V/S
BHANUDASRAO MADHAVRAO DESHMUKH AND OTHERS

Mr. S.P. Brahme, Advocate for petitioners.

CORAM : T.V. NALAWADE, J.
DATED : 21st September, 2015.

ORDER :

1. Heard the learned counsel for petitioners. He was expected to make out some case even for issuing of notice.

2. Seen the order made by this Court in Second Appeal No. 239/2013. This Court had given direction to the Assistant Charity Commissioner to decide the Change Report No. 418/2008 along with the other change reports remanded back by the District Court in a proceeding which was pending before the District Court. The grievance is that only three proceedings are decided and two proceedings are kept pending. He submitted that when the Assistant Charity Commissioner was expected to decide all the five proceedings together, these directions are not complied with and so, there is contempt.

3. From the submissions, it cannot be said that prejudice has been caused to the petitioners. They want to initiate the proceeding even against the Assistant Charity Commissioner. He is the best person, the authority who can decide as to which proceeding needs to be decided first and whether the prejudice can or cannot be caused due to such decision. Only because there was direction that all the proceedings need to be decided, it does not mean that it needs to be decided necessarily together. This Court holds that there is no case made out for issuing notice.

4. The proceeding is dismissed.

[T.V. NALAWADE, J.]

ssc/