

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

**Second Appeal No. 746 of 2014**

Baliramji s/o. Tukaramji Maske,  
Age : 70 years,  
Occupation : Agriculture,  
R/o. New Mondha, Parbhani,  
Taluka & District : Parbhani.

.. Appellant  
(Original appellant in  
Appeal No. 31/2007  
before Joint Charity  
Commissioner)

**versus**

1. Dhondiba s/o. Nagorao Ladke,  
Age : 65 years,  
Occupation : Nil,  
R/o. Bhagirti Mirchi Kandap,  
Parbhani,  
Taluka & District : Parbhani.

.. Respondents  
(No.1 - Original opponent  
in proceedings before  
Assistant Charity  
Commissioner)

2. Joint Charity Commissioner,  
Aurangabad.

3. Assistant Charity Commissioner,  
Parbhani.

.....

*Mr. Milind M. Patil (Beedkar), Advocate, for the  
appellant.*

*Mr. Y.S. Gorte, Advocate, for respondent no.1.*

.....

**CORAM : A.V. NIRGUDE, J.**

**DATE : 21ST JULY 2015**

**PER COURT :**

1. Heard Mr. M.M. Patil (Beedkar), learned Counsel for the appellant, and Mr. Y.S. Gorte, learned Counsel for respondent no.1.
2. Perused the judgments under challenge.
3. The judgments of the lower authorities are concurrent. I do not see any reason for admitting the appeal. This appeal deserves dismissal also, because efficacy of this litigation has been over long back. The Change Report was filed in 2001 and the tenure of the newly elected body was of five years. The tenure is now over. I am told at the Bar, that the subsequent elections took place and Change Reports are pending.
4. The learned Counsel for the appellant, however, pointed out to me, that there is factual error in judgments of the lower authorities. He pointed out that his client, appellant Baliramji s/o. Tukaramji Maske, is a life member of the Society / Trust. In spite of this, the authorities below have held that he is not eligible member, etc. He also pointed out, that there is some discussion in respect of eligibility of another member, by name, Eknath s/o. Baliram Maske, who happens to be son of Baliram.
5. In the result, the Second Appeal is dismissed. However, it is made clear, that the dispute about eligibility of members would be kept open for future litigation. In other words, the findings recorded in respect of eligibility of a member of the Society is not binding on the authorities who would decide the Change Reports in future. Parties should

(3)

Second Appeal No. 746 of 2014

concentrate on Change Reports which would affect the present time.

**( A.V. NIRGUDE )**  
**JUDGE**

.....

Puranik/ SA746.14