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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9934 OF 2014

Mohd. Bahauddin Mohd. Ahmedoddin

PETITIONER

VERSUS

Mehmood Khan Maula Khan Pathan

RESPONDENT

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Mr. R. R. Mantri h/f Mr. R. R. Sancheti, Advocate for petitioner

Mr. K. M. Nagarkar, Advocate for respondent

Mr. S. K. Tambe, AGP for respondent state

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 14th SEPTEMBER, 2015

ORDER :

1. Leave to amend and add party.
2. Issue notice to added respondent.
3. Learned AGP waives service for the added respondent.
4. Learned advocate for the petitioner refers to sections 38 and 39 of the Bombay Public Trusts Act and particularly rule 25 of the Bombay Public Trusts Rules, 1951, which has been quoted by this court (Coram : Shri. R. V. Ghuge, J.) under order dated 15th November, 2014.

5. Learned advocate for the petitioner submits, having regard to the same the situation emerges that the applications, which have been filed by the present petitioner, Exhibit-48 and Exhibit-66 have been rejected ostensibly overlooking rule 25 of the Bombay Public Trusts Rules.

6. Learned advocate for the petitioner submits, it may not be the case and that orders do depict that the consideration is underlying and the record may be otherwise.

7. However, parties fairly resile to a situation wherein these applications can be re-considered.

8. In the circumstances, the impugned order dated 25th June, 2014 on Exhibit-48 as well as the one dated 10th September, 2014 on Exhibit-66 by Assistant Charity Commissioner, Nanded in Inquiry No. 693 of 2011 stand set aside. Both the applications are restored to their original position. Both the applications be considered simultaneously and be decided as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of writ of this order.

8. Accordingly, writ petition stands disposed of.

[SUNIL P. DESHMUKH, J.]