

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**FIRST APPEAL NO. 778 OF 2015
WITH
CIVIL APPLICATION NO. 2421 OF 2015 IN F.A. NO. 778 OF 2015**

Kishor Vinayak Rangnekar & Ors. ... Appellants/Applicants
vs.
Dr. Suresh S. Vengsarkar & Ors. ... Respondents

Mr. Vaibhav M. Parashurami i/b. Mr. Vikrant V. Parashurami, Advocate for the appellants/applicants.

Mr. Gautam Ankhat a/w. Mr. Viral Shukla, Priti Patel i/b. Shukla & Associates, Advocate for respondent nos. 1 to 15 and 18.

CORAM: MRS.MRIDULA BHATKAR, J.
DATE : AUGUST 28, 2015

P.C.:

In this First Appeal, the order dated 8th April, 2014 passed by the learned Judge, City Civil Court, Greater Mumbai dismissing the suit, as it is barred by the provisions under section 80 of Maharashtra Public Trust Act, is challenged.

2. In the course of argument, the learned counsel for the appellants has submitted that the respondents have constituted the body and they are functioning from August, 2014. The change report is already filed and the learned counsel submitted that the appellants wants to file objection in the said change report in respect of their grievance pertaining to improper rejection of their nomination. The learned counsel submitted that if such objections are filed along with other contentions, if any, then that proceedings be expedited and with this direction, this Appeal can be

disposed of.

3. The learned counsel for the respondents submitted that the appellants are free to file objections in the change report and the respondents have no objection if at all the said proceedings before the Charity Commission after filing of such objections are expedited. He further submitted that all the contentions are to be kept open before the Charity Commissioner.

4. The submissions of learned counsel for both the parties are accepted. In the event of appellants filing objection to the change report nos. 5070 and 5071/2014 before the Assistant Charity Commissioner No. 7, Greater Mumbai, it is to be heard after giving fair opportunity to the respondents within one year from the date of objections.

5. With this, the First Appeal along with Civil Application are disposed of.

(MRS.MRIDULA BHATKAR, J.)