

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.477 OF 2014
IN
CIVIL REVISION APPLICATION NO.139 OF 2010

Ardeshir Khodadad Irani Charity Fund,	]	
a registered Public Trust, through Trustees	]	
and Ors.	]	... Applicants

Versus

Fisher Health Resorts (P) Limited,	]	
Through is Director Mr. Keval Kumar	]	
Kesarimal Jain and Anr.	]	... Respondents

Mr. K. Y. Mandlik i/b M/s. Hooseini Doctor and Co. for Applicants.
 Ms. Nafisa Khandeparkar a/w Ms. Monisha Bhangale i/b ALMT Legal
 for Respondents.

CORAM :- M. S. SONAK, J.
DATE :- AUGUST 03, 2015

P. C. :-

1. Heard the learned Counsel for parties.
2. This is an application seeking to substitute on record the names of the current trustees of the Applicant.

3. The learned Counsel for Respondents opposes this application by submitting that necessary document in the context of the status of the current trustees has not been furnished. The document furnished, pertains to some other trust and in any case, the delay involved has not been explained.

4. Having considered the objection, there is no reason to accept the same. This is not a case where the trustees who are sought to be substituted, have raised any objection to the substitution. The delay is sufficiently explained. Even otherwise, in matters of this nature, the issue would arise whether law of limitation will at all apply.

5. Accordingly, this Civil Application is made absolute in terms of prayer clauses (a), (b) (c) and (d).

6. It is made clear that by mere allowing this Civil Application, this Court has not decided the rights of any of the parties, the trustees or erstwhile trustees of the Applicants.

7. Necessary amendment to be carried out within two weeks from today.

8. Civil Application is disposed of.

(M. S. SONAK, J.)