

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 11544 OF 2015

Nehru Education Society and anr. .. Petitioners  
vs.  
Hirman N. Kale and ors. .. Respondents

Ms Manjiri S. Parasnis for the Petitioners.  
Ms M.S. Bane, B-Panel Counsel for State- Respondent No.9.

**CORAM : M. S. SONAK, J.**  
**DATE : 23 NOVEMBER 2015.**

**P.C. :-**

- 1] Not on board. Upon production, taken on board.
- 2] The challenge in this petition is to the orders dated 10 July 2013 and 27 April 2015.
- 3] If the order dated 10 July 2013 is perused, it is clear that there is no decision as such. All that the said order says is that the grievances in the application will be considered at the time of final assessment of the evidence and the same will be decided alongwith the main petition. Accordingly, , there is no reason to interfere with the said order particularly, when th petition has been filed in the year 2015.

4] The second impugned order dated 27 April 2015 rejects the Petitioners' application seeking discharge of opponents Nos.3 to 8 from the proceedings. The impugned order records that there are certain allegations of misappropriation against the said opponents. Therefore, the matter was instituted in the year 2003. The impugned order records that the said opponents have also not taken efforts of seeking earlier discharge. In these circumstances, there is no reason to interfere with the impugned order.

5] However, it is made clear that all contentions of all parties are kept open to be decided at the stage of final disposal of the proceedings. It is further made clear that this Court has not examined the merits of the matter and therefore, the Joint Charity Commissioner to proceed and decide the matter on its own merits and in accordance with law.

6] With the aforesaid observations, this petition is dismissed. There shall, however, be no order as to costs.

**(M. S. SONAK, J.)**