

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLIATION NO.3787 OF 2015
IN
FIRST APPEAL NO.2779 OF 2007

Vishwanath Ramchandra Gharat
(Deceased through LRs)
Malati Vishwanath Gharat and Others ... Applicants
vs.
Russi Darshan Nariman and Others ... Respondents

Mr. Ajay Joshi i/b. Mr. Rajesh More, for the Applicants.
Mr. V.M. Thorat a/w. M.V. Thorat, for Respondent Nos. 1 to 3.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **3rd DECEMBER, 2015**

P.C.:

. The civil application is moved for bringing the legal heirs of the deceased Vishwanath Ramchandra Gharat on record. The application is moved by his legal heirs Smt. Malati Gharat and others.

2. The learned counsel for the Respondents opposes the application on the ground that as per the order dated 8th October, 2003 passed by the Assistant Charity Commissioner, Raigad Region at

Alibag the trust was held as a public trust under the Bombay Public Trust Act, 1950. It was also directed that the Applicant to hold a meeting of the villagers at Belavali for the appointment of four trustees along with the decision of mode of succession of office of those four trustees. He pointed out the relevant portion in para 18 of the said judgment and order in which the Assistant Charity Commissioner has directed the mode of succession will be provided for the appointment of the trustees. As per his order the mode of succession is provided as one member from the family of the applicant i.e. deceased as hereditary and four others from villagers appointed by village Belavali will constitute the trustees. Thus there are in all five trustees.

3. The learned counsel for the Respondents challenges whether the trust was registered and whether the meeting was held and trustee were really brought on record or not.

4. While meeting these objections, the learned counsel for the Applicants submit that this being a public trust, it is necessary to brought the names of the trustees on record by way of application as

legal representatives of the applicant. Therefore, he wants to withdraw this application with liberty to file a fresh one.

5. The applicant is allowed to withdraw the civil application with liberty to file a fresh application. However, it is necessary for the applicant to mention the registration number of the trust. So also all the names of the four trustees and the name of the trustee who is a successor of the deceased applicant and who is appointed as a trustee-hereditary by the applicant.

6. Accordingly the Civil Application stands disposed of as withdrawn.

(MRS.MRIDULA BHATKAR, J.)