

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 11232 OF 2014

Milind Monohar Raut	... Petitioner
v/s	
Smita Pradeep Shah	... Respondent

***ALONG WITH
WRIT PETITION NO. 11214 OF 2014***

Dhanashree Anil Rupade	... Petitioner
v/s	
Smita Pradeep Shah	... Respondent

WRIT PETITION NO. 11218 OF 2014

Anil Gopal Rupade	... Petitioner
v/s	
Smita Pradeep Shah	... Respondent

***ALONG WITH
WRIT PETITION NO. 11219 OF 2014***

Satish Madhav Kulkarni	... Petitioner
v/s	
Smita Pradeep Shah	... Respondent

***ALONG WITH
WRIT PETITION NO. 11222 OF 2014***

Satish Madhav Kulkarni	... Petitioner
v/s	
Smita Pradeep Shah	... Respondent

***AND
WRIT PETITION NO. 11223 OF 2014***

Kantilal Mohanlal Shetiya

... Petitioner

v/s

Smita Pradeep Shah

... Respondent

Mr.S.R. Page for the petitioner in all petitions.

Mr.Madhav Jamdar for the respondent in all petitions.

CORAM: N. M. JAMDAR, J.

DATED : 29TH APRIL, 2015

ORAL ORDER:

Heard learned counsel for the parties.

2 By these petitions, the petitioners challenge the orders passed by the District Judge, Pune, dated 10 November 2014, directing that the applications filed by the petitioners in the civil appeals to be decided along with the main appeals.

3 The petitioners have filed appeals against the orders passed by the learned Small Causes Court, Pune, directing eviction of the petitioners. In these appeals, there is a stay to the execution. The petitioners filed applications for issuance of notices to the Charity Commissioner in accordance with Section 56-B of the Bombay Public Trust Act. It is the contention of the petitioners that the property is a Trust property of one Charitable Trust and the petitioners are unnecessarily caught in litigation between the respondent and the said Trust. These applications were opposed on

merits by the respondent.

4 All that the learned District Judge has done by the impugned order is to defer the hearing of the application to be decided along with the main appeals. The learned District Judge has observed that, considering the rival contentions, the relief sought for in the applications is intermixed with the merits of the appeal and unless the matter is heard finally it will not be possible to decide the application in isolation. This is the discretion of the District Judge while conducting the appeals. It is not necessary to interfere with the impugned order as the applications are yet to be decided on merits. As regard the apprehension of the petitioners that the appeals will be decided without deciding the applications, it is unwarranted. The learned District Judge will no doubt decide the applications and appeals in such a manner to take care of the apprehension of the petitioners.

5 The writ petitions are , therefore, cannot be entertained and are rejected with the above observations.

(N. M. JAMDAR, J.)