

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.174 OF 2015

Nizampur Vibhag Shikshan Prasarak
Mandal & Anr.

.. Petitioners

-Versus-

Bhaskar G. Kamerkar & Ors.

.. Respondents

Mr.Tushar Jadhav for petitioners

Mr.C.G.Gavnekar for respondent No.1

Ms.Gauri Rao, AGP for respondent No.7

CORAM : M.S.SONAK, J.

DATE : 4th February 2015.

P.C.

1] After hearing learned Counsel for both sides for some time, it transpires that this petition can be disposed of by the following order:-

(a) The judgement and order dated 7th February 2011 made by the Charity Commissioner, Mumbai in Appel No.29 of 2008 (Exh.C) to this petiton is set aside;

(b) The appeal No.29 of 2008 shall stand restored before

the Charity Commissioner, Mumbai for fresh decision in accordance with law;

(c) To the Appeal No.29 of 2008, Mr.Shankarlal P. Mehta and Mr.Ganesh Salunkhe be impleaded as respondent Nos. 4 and 5 respectively;

(d) The said newly added respondents shall be afforded opportunity of filing reply as well as making their submissions in defence of the change report which is the question in Appeal No.29 of 2008;

(e) The Charity Commissioner, Mumbai shall endeavour to dispose of Appeal No.29 of 2008 as expeditiously as possible and in any case within four months from the date of receipt of a copy of this order;

(f) In view of setting aside of the judgement and order dated 7th February 2011, the proceedings in Misc.Civil Appeal No.108 of 2012 pending before the District Judge, Alibaug, Raigad which were

basically directed against the said order dated 7th February 2011 are rendered infructuous. The misc. civil appeal No.108 of 2012 is accordingly disposed of as infructuous.

2] The respondents (who are appellants in Appeal No.29 of 2008) shall carry out the necessary amendments to the appeal memo within a period of two weeks from today.

3] The parties, including the newly impleaded respondents shall appear before the Charity Commissioner, Mumbai on 16th February 2015 at 3.00 p.m. along with authenticated copy of this order for obtaining further directions in the matter of disposal of Appeal No.29 of 2008. It is clarified that this Court has not examined the merits and de-merits of the matter. Accordingly, all issues and contentions are kept open. The learned Counsel for the petitioner submits that although Mr.Mehta and Salunkhe are not petitioners in the present petition, this petition has been filed by and on behalf of a trust i.e. Nizampur Vibhag Shikshan Prasarak Mandal of which these two persons are trustees and accordingly, the learned Counsel submits that this petition has been filed on the basis of the instructions of

these two persons.

4] Writ petition is disposed of in the aforesaid terms. All parties to act on an authenticated copy of this order.

(M.S.SONAK, J.)