

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL CRIMINAL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 3119 OF 2015

IN

WRIT PETITION NO. 10712 OF 2013

Abdul Aziz A. Shakoor & anr.	.. Applicants
In the matter of	
Yusuf S. Baugwala	.. Petitioner
vs.	
The Charity Commissioner and ors.	.. Respondents

AND

IN

WRIT PETITION NO. 10058 OF 2013

Abdul Aziz A. Shakoor & anr.	.. Applicants
In the matter of	
Mohd. Shakeel Qureshi & anr	.. Petitioners
vs.	
The Charity Commissioner and ors.	.. Respondents

Mr. Raman Paranjape for the Applicants.

Mr. S.D. Rayrikar, AGP for Respondent Nos.1 ,2 and 10.

Mr. S.M. Gorwadkar, Senior Advocate @ Niranjan Mogre i/b Ms S.Y. Bangwala for Respondent No.5 & 6.

Mr. Yusuf S. Baugwala in person present.

CORAM : M. S. SONAK, J.

DATE : 7 DECEMBER 2015.

P.C. :-

- 1] Not on board. Upon production, taken on board.
- 2] This Court vide order dated 20 November 2013 has issued certain directions, which include direction No.iii, which reads thus

[iii] Directions given by the learned DCC for opening of the offertory boxes are modified to the following extent :

The direction regarding handing over of the contents of offertory boxes by the Inspector to Respondent Nos.4 and 5-Trustees is quashed and set aside. Instead it is directed that said Inspector shall himself deposit the contents of offertory boxes, i.e., money and valuable

articles, directly in the Bank Account of the said Trust. He shall make inventory and furnish copy thereof to the Petitioners and Respondent Nos.4 and 5. Inspector is further directed to invest the said amount in the FDRs of any nationalised Bank initially for the period of three years and thereafter renew FDRs with interest for one year from time to time until further orders from DCC.

3] The Applicants in Civil Application No. 3119 of 2015, who claim to be Trustees of the Trust have filed this Civil Application seeking directions to Respondent No.2 to take appropriate steps in accordance with the aforesaid directions in the matter of opening offertory boxes.

4] Admittedly, none of the parties have challenged the order dated 20 November 2013 made by this Court. Accordingly, the directions contained therein are required to be complied with both in letter and spirit. The learned counsel appearing for the Respondents as also the original Petitioner complain that certain other directions contained in 20 November 2013, including the directions for expeditious disposal of pending miscellaneous application and change reports are not being complied with. They submit that the reason for such non-compliance is the constant applications for adjournments and obstructions by the Applicants in this civil application.

5] It is made clear that all directions issued by this Court in its order dated 20 November 2013 are required to be complied with by all concerned. In fact, it is the duty of the concerned to render every possible cooperation, so that the directions are complied with.

6] Accordingly, Respondent No.2 to this Civil Application is directed to depute an Inspector to carry out the aforesaid direction No.iii in order dated 20 November 2013. Respondent No.2 and the Inspector, so deputed, to comply with the directions within a period of four weeks from today. Further, the Deputy Charity Commissioner, before whom the miscellaneous application and the change reports are pending, is directed to dispose of the same as expeditiously as possible and in any case within the extended time limit indicated in the order dated 12 October 2015. All parties, including the Applicants in this civil application are directed to cooperate in the matter of expeditious disposal of the proceedings. Under no circumstances, the parties should unnecessarily seek any adjournment in the matter or otherwise obstruct the expeditious disposal of the proceedings.

7] With the aforesaid directions, this civil application is disposed of.

8] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)