

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.Writ Petition No. 88 of 2015

Ramesh s/o Dhondba Nagdeve

v.

S.N. Sarodiya, Asstt. Charity Commr. & ors.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

**Coram : B.P Dharmadhikari &
S.B. Shukre, JJ.**

Date : 7th April, 2015.

Heard Advocate Amol Mardikar for the petitioner, learned AGP for respondent no. 1 and learned senior counsel Shri Kaptan with Advocate Mahashabde for respondents 2 and 3.

2. We find that after remand of matter on 13.11.2014 by this Court, respondent no. 1 had fixed the matter on various dates. Though, respondent no. 1 was on leave on 2-3 occasions, that does not mean that the petitioner could not have filed reply. The petitioner did not file reply and in this situation matter was closed for orders on 16.12.2014. It was then adjourned to 22.12.2014 and thereafter to 26.12.2014. Even on these dates, the petitioner did not apply and did not seek leave to file reply. The authority thereafter has passed an order appointing a Committee to manage the affairs of the Trust purportedly under Section

41-A of the Bombay Public Trusts Act. Various questions are raised before us by the respective counsel.

3. We find that the said order has been stayed by this Court on 12.1.2015 and that interim order continues to operate even today. The petitioner is Joint Secretary of the Sanstha and respondents 2 and 3 do not dispute that he is managing the affairs of the Trust. In this situation, interest of justice can be met by directing the petitioner to file reply to the proceedings instituted by respondent no. 2 before the Assistant Charity Commissioner by 29.4.2015. The said authority shall, in the light of the said reply, proceed to hear the applicant, i.e. respondent no. 2 Mrs. Kusumtai Ramkrushna Ghodichor and respondent no. 3 Mrs. Saroj Anilkumar Mate and present petitioner. After considering the rival contentions, the authority shall pass fresh orders in accordance with law within six weeks.

4. Interim order passed by this Court on 12.1.2015 to continue till then and shall be subject to the fresh orders by the authority. Till the authority passes fresh orders, the petitioner shall not take any major policy decision or financial measure and shall not incur any expenses, except for day to day affairs, without leave of Assistant Charity Commissioner. Subject to this, impugned order dated 26.12.2014 is set aside.

Judge

Judge

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