

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (CAS) NO. 697 OF 2011
IN
SECOND APPEAL NO. 361 OF 2011

Yug Pravartak Seva Mandal & Ors. Vs. Krushnarao Domaji Pise & Ors.

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

Court's or Judge's Order

Shri S. P. Bhandarkar Adv for applicant.

CORAM: A. S. CHANDURKAR J.

DATED: 06 JANUARY, 2015.

Prayer in the present application is to stay the effect and operation of the order passed in Misc. Civil Application No. 11 of 2008.

The proceedings arise under section 22 of the Bombay Public Trust Act, 1950. The change report that was filed by the present appellant through its reporting trustee came to be rejected. However, a finding was recorded that Gopala Lakhade and Gulabrao Dongre were members of the trust. This finding as recorded was challenged in appeal before the learned Joint Charity Commissioner but the appeal

was dismissed. Similarly, the learned District Judge-1 Warora also dismissed the Misc. Civil Application filed by the appellant.

Second Appeal has been admitted after framing a substantial question of law. It is submitted that the impugned orders are challenged only to the effect that a finding has been recorded as regards membership of respondent no. 2 which is without jurisdiction.

The contesting respondents have been served but there is no appearance to oppose the civil application.

Hence, during pendency of the second appeal it is directed that the respondent no. 2 shall not take advantage of the findings recorded in paragraph 17 of the order passed by the learned Assistant Charity Commissioner Chandrapur, in Change Report Inquiry No. 282 of 1998. Civil Application is allowed in aforesaid terms and disposed of.

JUDGE