

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4445/2014.

Vijay Laxman Bhoyar and others.

VERSUS

Harish Vishnusingh Sisodiya and others.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : JANUARY 07, 2015.

Heard Shri P.A. Gode, learned Counsel for
the petitioners and Shri T.R. Kankale, learned A.G.P.
for respondent no.8.

Perused impugned order dated
02.04.2014. Petitioner has questioned maintainability
of application under Section 41A of the Maharashtra
Public Trust Act, by raising a preliminary objection.
That preliminary objection has been rejected by the
said order. The said rejection is sought to be

questioned in this Writ Petition.

At this stage, we are not inclined to interfere, as interference in such matter, at interlocutory stage, may amount to defeating the very purpose of enacting a provision like Section 41A in the Maharashtra Public Trust Act. Question will be, Whether such preliminary objection should be entertained when the issue of maintainability can be raised at the time of consideration of main application under Section 41A ? Raising of such objection and its adjudication may take some time and thereby defeat the purpose of filing application under Section 41A itself.

However, in present facts we are not recording these findings finally, as other respondents are still not noticed. With liberty to petitioners to challenge the said order dated 02.04.2014 again in case application under Section 41A is decided against them, we dispose of the present Writ Petition. No costs.

JUDGE

JUDGE

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