

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

WRIT PETITION NO.5056/2014

Mansoorbhai Fazalhussain and another

..Versus..

Eknath Darmaji Nimgade 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 : Z.A. HAQ, J.

DATE : 14.9.2015

None for the petitioners. Heard Shri M.R. Johrapurkar, advocate for respondent no.1 and Ms. Smita Dashputre advocate h/f Ms. Deepali Zanzad advocate for respondent no.3. Petition is dismissed in default against the respondents 2 and 4.

The petitioners have challenged the interlocutory order passed by the learned District Judge on the application (Exh. No.5) rejecting the prayer for granting stay to the effect, operation and implementation of the order passed by the learned Joint Charity Commissioner. The learned Assistant Charity Commissioner rejected the Change Report filed by the respondent no.1 (reporting trustee). The learned Joint

Charity Commissioner, allowed the appeal filed by the respondent no.1, by the order dated 30th April, 2014 and accepted the change intimated by the Change Report No.471/2003. The order passed by the learned Joint Charity Commissioner has been challenged by the petitioners before the District Court in Appeal under Section 72(1) of the Maharashtra Public Trusts Act, 1950. Along with the appeal, the petitioners filed an application praying for stay to the effect, operation and implementation of the order passed by the learned Joint Charity Commissioner. The learned District Judge has rejected the application filed by the petitioners, by the impugned order. The petitioners being aggrieved in the matter, have filed this writ petition.

The learned District Judge, after considering the relevant provisions has judiciously exercised his discretion and has rejected the application filed by the petitioners praying for stay to the effect, operation and implementation of the order passed by the Joint Charity Commissioner. The learned District Judge has recorded that the order passed by the learned Joint Charity Commissioner has already been effected and the Public Trusts Register has been amended by the Deputy Charity Commissioner on 24th July, 2014, according to the

order passed by the Joint Charity Commissioner. I do not see any reason to interfere with the exercise of discretion by the learned District Judge. The petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.