

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 3923 OF 2016
WITH
WRIT PETITION NO.5713 OF 2008

HARIBHAU PIRAJI BHANDE AND OTHERS
VERSUS HARI VENKATRAO BIRADAR AND OTHERS

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Advocate for Applicants : Shri Thombre S.S.
AGP for Respondents : Shri Basarkar A.P.
Advocate for Petitioners : Shri Barde P.V.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: May 06, 2016

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PER COURT :-

1. This matter is eight years old. The only issue involved in the matter is that the membership of the public trust registered under the Bombay Public Trusts Act cannot be decided by a Returning Officer, who is in charge of conducting the elections of the trust. The contention of the petitioners is that the order passed by the Returning Officer dealing with the membership of the trust, is non-est and void ab-initio.
2. Shri Thombre, learned Advocate appearing on behalf of respondent 4,5,7 & 8 in the petition, relies upon a recent judgment delivered by this Court (Coram : S.V.Gangapurwala, J.) dated 21.11.2015 in First Appeal No.1087 of 2014 and contends that an identical issue has been dealt with by this Court. The issue involved in this petition is squarely covered by the said judgment dated 21.11.2015.
3. Shri Barde seeks time to go through the said judgment dated 21.11.2015 and prays for posting this matter on 7.6.2016 for a final hearing.
4. In the light of the above, S.O. 7.6.2016 for final hearing.
5. As such, Civil Application No. 3923 of 2016 is allowed.

(RAVINDRA V. GHUGE, J.)

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