

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4408 OF 2016

Marotrao Nagorao Shinde and another .. Petitioners

Versus

The Joint Charity Commissioner,
Aurangabad and others .. Respondents

Shri N. P. Patil Jamalpurkar, Advocate for Petitioners.
Shri S. P. Sonpawale, A. G. P for the Respondent No. 1.
Shri A. S. Bajaj, Advocate h/f Shri S. J. Rahate, for the Caveator.

**CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.**

DATE : 16TH APRIL, 2016.

PER COURT :

. We have heard Mr. N. P. Patil Jamalpurkar, the learned counsel for petitioners. Mr. Bajaj, the learned counsel submits that, caveat is filed, but the caveator is not made party. In fact, the caveator was a party to the change report proceedings before the Assistant Charity Commissioner, whose order is challenged before the Joint Charity Commissioner.

2. Considering the fact that, the appeal along with stay petition is pending with the Joint Charity Commissioner, we are not inclined to consider the petition on merits. Interest of justice

would be sub-served, if, the Joint Charity Commissioner is directed to decide the stay petition expeditiously.

3. Mr. Bajaj, the learned counsel submits that, the caveator would appear before the Joint Charity Commissioner. It is submitted that, the date fixed by the Joint Charity Commissioner is 18th May, 2016. The parties herein, so also caveator may appear before the Joint Charity Commissioner on 02nd May, 2016. The Joint Charity Commissioner after hearing all the parties concerned, on its own merits shall decide the stay petition expeditiously and preferably within a period of six (06) weeks upon appearance of the parties concerned. The writ petition is disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]