

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

WRIT PETITION NO. 10236 OF 2015

Shivajirao Shridharrao More and
another

.. Petitioners

Versus

Madhavrao Santram Patil Died
and others

.. Respondents

Shri Santosh S. Jadhavar, Advocate for the Petitioner.

Shri J. R. Patil, Advocate for the Respondent No. 3.

Shri S. R. Shirsath, Advocate for Respondent Nos. 4 to 10, 12 to 22.

CORAM : S. V. GANGAPURWALA, J.

DATE : 22ND MARCH, 2016.

PER COURT :

. Mr. Jadhavar, the learned counsel for petitioners submits that, the authority has passed an order directing the petitioners to produce the documents as stated in the application by present respondents. The learned counsel submits that, the respondents cannot prove their case by directing the petitioners to produce the additional documents. It is for the respondents to prove their own case. The authority could not have directed the petitioners to produce said document.

2. Mr. Patil, the learned counsel for the respondent No. 03

submits that, subsequent to the said order being passed, the petitioners have filed a pursis thereby accepting the sale deeds below Exhibit 3 and 52 and have stated that, there is no lease deed executed by the Trust, nor any leave and license agreement is executed creating third party interest or charge on the trust property. The applicants that is present respondents have filed the construction permission with plan, estimate and the same is not disputed. No resolution is passed.

3. In view of the fact that, subsequently pursis has been filed by the petitioners on 19.06.2015 Exhibit 95. No purpose would be served in deciding the writ petition. As such, the order passed by the authority impugned in the present writ petition would not survive in view of the pursis Exhibit 95 filed by the petitioners. It is stated that, the Assistant Charity Commissioner subsequently has proceeded further and the matter is now for cross examination of the non applicants.

4. In the light of the above, the writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]