

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

**CIVIL APPLICATION NO. 15069 OF 2015
WITH
CIVIL APPLICATION NO. 15070 OF 2015
IN
FIRST APPEAL NO. 1245 OF 2014**

Rajendrakumar Narayanprasad Sethi APPLICANT

V E R S U S

**Chotelal Puransing Arora
& Ors. RESPONDENTS**

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Mr. A.S.Bajaj, Advocate for Appellant.

Mr. S.S.Kazi, Advocate for R.No. 1.

Mr. S.C.Arora, Advocate for R.No. 2.

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CORAM : T.V.NALAWADE, J.

DATE : 20th JANUARY, 2016

ORAL ORDER :-

. The application is filed by Rajendrakumar Sethi, who is son of earlier appellant and who claims to be the Member of the Trust. Both the appellants are dead and the applicant wants to come on record to prosecute the matter.

2. There is delay of 751 days in filing the application for coming on record and the application is

filed for setting aside the abatement of the matter due to the death of appellant Nos. 1 and 2.

3. Other side has strong objection for allowing the applications.

4. Both the sides are heard. It is not disputed that the applicant is member, though honorary, of the Trust. He wants to challenge the membership before the Jt. Charity Commissioner. In view of these circumstances and the submissions made, this Court holds that the applicant be given opportunity to prove as member of the Trust.

5. The abatement of the matter is set aside. The applicant is allowed to come on record as member to prosecute the matter.

6. Stand over to 21/01/2016.

[T.V.NALAWADE, J.]