

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 871/2006

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Rajendra M. Haridas for the Appellant
Mr. A. R. Patil, AGP for the Respondent State.

CORAM : K. K. TATED, J.
DATE : FEBRUARY 2, 2016

P.C.:

1. Heard the learned counsel for the Appellant. None for the other Respondents though duly served.

2. The learned counsel for the Appellant submits that he received instructions from his clients not to press the appeal. He submits that the Appellant No.1 Shivaji S. Gaikwad, in-charge of the Trust filed affidavit dated 01/02/2016 stating that Trust will made appropriate Application to the concerned Charity Commissioner and/or Assistant Charity Commissioner, Solapur for holding election for appointment of Trustees in respect of the Trust known as Guruji Shikshan Prasarak Mandal, Ozewadi in place of existing one. Said affidavit is taken on record and marked "X" for identification.

3. In view of the above mentioned facts, following order is passed:

- a. First Appeal stands dismissed as withdrawn.
- b. No order as to costs.
- c. Affidavit dated 01/02/2016 filed by Shivaji Gaikwad, Appellant No.1 taken on record and marked "X" for identification.
- d. The Appellant to make appropriate Application to the concerned Charity Commissioner/Assistant Charity Commissioner, Solapur, within 4 weeks from today for holding election for appointment of Trustees in respect of the trust known as Guruji Shikshan Prasarak Mandal, Ozewadi.
- e. If no such Application is made within stipulated time as stated hereinabove, the concerned Charity Commissioner/Assistant Charity Commissioner is free to appoint an Administrator on the said Trust.
- f. If an Application is made within stipulated time as stated hereinabove for holding election for appointment of Trustees, the concerned Charity Commissioner/Assistant Charity Commissioner, Solapur is directed to hold the same as early as possible, following due process of law.

g. Till new trustees are appointed, the Appellant to look after the day-to-day affairs of the said trust without taking any major decision about immovable properties of the Trust.

h. Order dated 20/03/2006 passed by the Additional District Judge, Pandhapur in Civil Misc. application No.7/2006 is modified to this extent.

i. Parties to act on a copy of this order duly authenticated by Sheristedar of this court.

JUDGE