

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

CIVIL REVISION APPLICATION NO.241 OF 2016

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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Ms.Jyoti Chavan for the applicant

CORAM : K. K. TATED, J.
DATE : JULY 4, 2016

P.C.:

- 1 Heard the learned counsel for the applicant.
- 2 By this Civil Revision Application defendant nos.1 to 4 challenges the order dated 11.3.2016 passed by Bombay City Civil Court, Mumbai on preliminary issue holding that, that court has Jurisdiction to entertain the Suit as it is filed by the respondent plaintiff.
- 3 The learned counsel for the respondent defendant nos.1 to 4 submits that Trial Court failed to consider section 50 and 51 of the Maharashtra Public Trusts Act, 1950 which requires permission from the Charity Commissioner before filing of the suit. She submits that it is not disputed that in the present proceeding respondent plaintiff filed the Suit without obtaining permission from the Charity Commissioner.

4 Considering these facts, following order is passed:

a) Office is directed to issue notice before admission to the respondent, returnable after 8 weeks.

b) In addition to usual mode of service, Applicant is permitted to serve Respondents along with entire proceedings by private notice either by registered post A.D. and/or by hand delivery and file Affidavit of Service to that effect.

c) Applicant to remove all office objections on or before 22/7/2016, failing which the Civil Revision Application shall stand dismissed without further reference to the court.

d) Liberty granted to the applicant to move before the returnable date after giving 48 hours clear notice to the respondent along with copy of Civil Revision Application.

e) Liberty granted to the applicant to place on record additional documents by carrying out amendment.

JUDGE