

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.1598 OF 2014
IN
FIRST APPEAL NO.489 OF 2014**

**Mallikarjun Raymallu Kamtam : Applicant.
Versus
Krishnahari Pundalik Gosaki & ors. : Respondents.**

**Mr. Surel S Shah for the Applicant.
Mr. A R Patil AGP for the Respondent No.6.**

**CORAM : R. M. SAVANT, J.
DATE : 06th June 2016**

P.C.

1 The above Civil Application has been filed seeking interim stay of the order passed by the learned District Judge-II, Solapur. By the said order, the Civil Misc. Application No.245 of 2009 filed by the Applicant challenging the order dated 29/05/2009 passed by the Assistant Charity Commissioner, Solapur came to be rejected.

2 The issue in the above First Appeal is as regards amendment of the scheme of the trust and especially the mode of appointment of trustees. The scheme as originally framed contemplates the election in respect of the trustees to be by show of hands which by the amendment is sought to be changed to voting by secret ballot. It seems that 5 trustees who were shown to be purportedly supporting the amendment to the scheme of the trust have made a

grievance that their affidavits have been forged and placed before the Assistant Charity Commissioner. It seems that the decision taken by the Managing Committee of the trust to change the manner in which the voting is to take place was also not approved by the General Body of the trust.

3 In the above Civil Application, ad interim order was passed on 10/06/2014 and the same has been continued thereafter from time to time and therefore the ad interim relief is operating since the year 2014. In my view, having regard to the facts and circumstances of the case, it would be just and proper to confirm the said ad interim relief granted vide order dated 10/06/2014 passed in the above Civil Application and the same would operate pending the hearing and final disposal of the above First Appeal. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]