

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.926 OF 2014
with
CIVIL APPLICATION NO.2595 OF 2014**

Shri. Digambar Jain Mandir Trust, Panadare & Ors. Appellant

vs.

Shri. Shantinath Maharaj Mandir & Ors. Respondents

Mr. Pratap Patil, Advocate for the Appellant.
Mr. Vivek Salunkhe, Advocate for Respondents no. 2 to 5.
Mr. A.R. Patil, AGP for respondent no.6.

Coram : **Smt. R.P. SondurBaldota, J.**

Date : 11th April, 2016

P.C.

1 Mr. Salunkhe, the learned advocate for respondents no. 2 to 5 concedes to the position in law that under Section 72 of the Bombay Public Trust Act, the District Court does not have power of remand of the matter for fresh trial by the Assistant Charity Commissioner. In that circumstance, the appeal is partly allowed. The directions contained at paragraphs (b) to (g) of the operative part of the impugned order are set aside. The District Court shall itself take the additional evidence permitted to be produced by respondents no. 2 to 5 and thereafter consider the application under Section 72 of the Bombay Public Trust Act.

2 In view of disposal of the First Appeal, the Civil Application does not survive. The same is accordingly disposed off.

(Smt. R.P. SondurBaldota, J)