

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

WRIT PETITION (STAMP) NO.24882 OF 2016

Shri Anil Daulatrao and others ... Petitioners

Versus

Smt. Smita Dilipkumar Chavan
& Others ... Respondents

Mr.G.S. Godbole i/b. Mr.Akshay Petkar, & Mr.Kaustubh
Thipsay for the petitioners.
Mr.Sagar Rane for the respondent No.1.

Coram: N.M. Jamdar, J.

Dated: 8 September 2016

P.C.:

1. Heard learned counsel for the Petitioners and Respondent No.1. For the order, that is proposed to be passed, the presence of Respondent Nos.2 to 8 is not necessary as the order being passed, which will not prejudice them and this cause is being represented by respondent No.1, who is beneficiary of the impugned order. By an order dated 3 August 2016, the learned District Judge, Sangli, in an application filed by Respondent Nos.1 to 7 has directed the Respondent No.1 to look after the administration i.e.

correspondence with Education Department, operation of bank account alongwith Headmaster and other alike work regarding Trust and the school. The show cause notice was issued to the Petitioners returnable on 26 August 2016.

2. The learned counsel for the Petitioners made serious grievance that the order has been passed without notice to the Petitioners. It is submitted that the learned District Judge has not considered the ambit of Section 56-A of the Maharashtra Public Trust Act, which is only an advisory jurisdiction. He has submitted that the Respondent No.1 is not a fit person to be appointed to look after the administration. The learned counsel for the Respondent No.1 submitted that it is not correct that the Respondent No.1 is not a fit person and in fact, because she was prevented from working, she approached the learned District Court for orders.

3. Order passed by the learned District Judge is an ad-interim order and the notice has been issued to the petitioners. It is informed that the matter is fixed before the learned District Judge on 16 September 2016. That being the position, it is not necessary to go

into rival contentions in this petition. Petitioners can place all the submissions which are sought to be advanced in this petition before the learned District Judge and call upon the learned District Judge to vacate/modify the impugned order. The learned District Judge will, thereafter no doubt, will hear both the parties and pass an appropriate order. Considering the nature of the dispute, it is directed that there will not be any automatic extension of the order dated 3 August 2016, which shall continue only upto 16 September 2016 and the extension, if any, thereof will be after hearing both the sides. This arrangement, to my mind, will take care of interest of all the parties.

4. It is clarified that the time restriction is placed only because of the fact that the order dated 3 August, 2016 was passed without notice to the Petitioner and it is not to be construed as a reflection on the merits of rival contentions.

5. Writ Petition is disposed of in above terms.

(N. M. Jamdar, J.)