

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****APPEAL FROM ORDER NO. 1249 OF 2011****IN****NOTICE OF MOTION NO. 2394 OF 2010****IN****S.C.SUIT NO. 1874 OF 2010****Peter Fernandes****..... Appellant****VERSUS****National Federation of the Blind,
Maharashtra & Ors.****..... Respondents**

Mr.P.J.Thorat for the Appellant.

Mr.P.P.Chavan, a/w. Ms.Rajmani Varma, i/b. Navdeep Vora & Associates for
Respondent No.1.**CORAM : R.D. DHANUKA, J.****DATED : 12th JANUARY, 2016****P.C.**

Learned counsel appearing for the parties have agreed that this appeal can be disposed of without recording any reasons in view of the various developments and subsequent events having taken place after filing of the suit by the respondents herein before the City Civil Court. This court accordingly has not rendered any reasons while disposing of this appeal from order.

2. The order passed by the trial court granting injunction against the appellant herein is in force since August 2011.

3. The original plaintiffs have already filed a Change Report No.2337 of 2015 before the learned Charity Commissioner under section 22 of the Bombay Public

Trust Act inter alia notifying the amendment to the constitution of the respondent no.1 which change report is pending.

4. The appellant shall file the written statement within eight weeks and shall serve a copy thereof upon the plaintiff's advocate simultaneously.

5. In view of the fact that interim order passed by the learned trial judge is in operation since 2011, I do not propose to interfere with the impugned order at this stage.

6. The Assistant Charity Commissioner (Hospital) is directed to dispose of the Change Report No.2337 of 2015 within six months from today provided both the parties co-operate with each other and with the learned Assistant Charity Commissioner in expeditious disposal of the change report. Hearing of the suit is expedited. The learned trial judge shall make an endeavor to dispose of the suit within two years.

7. Appeal from order is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]