

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5968 OF 2015

Pushpa W/o Ramshiromani Dwivedi

-VS-

Smt.Kusumtai wd/o Vitthalrao Satyakar and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.P. A. Gode, counsel for the petitioner.
Mr.Nikhil Joshi, AGP for the respondent Nos.2 and 4.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 04.01.2016.

By this petition, the petitioner challenges the interlocutory order of the Deputy Charity Commissioner, dated 11/03/2015, partly rejecting the application filed by the petitioner for dismissal of the application filed by the respondents under Section 41A of the Maharashtra Public Trusts Act.

On hearing the learned counsel for the petitioner and on a perusal of the impugned order as also the application filed by the respondents under Section 41A of the Act, it appears that there is no scope for interference with the impugned order, in exercise of the writ jurisdiction, specially when the Deputy Charity Commissioner has *prima facie* observed while partly rejecting the application filed by the petitioner that some of the prayers made in the application under Section 41A of the Act are tenable and a prayer for registering an offence against the petitioner under Section 409 of the Penal Code could not have been made. The application under Section 41A of the Act has not been decided against the petitioner by the Deputy Charity Commissioner. The petitioner ought not have filed the petition against the interlocutory order, partly rejecting the application filed by the petitioner for dismissal of the application under Section 41A of the Act.

In the circumstances of the case, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE