

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

FIRST APPEAL NO.811 OF 2016

[Adv. Babasaheb Wasade and others .vs. Manohar Gangadhar Muddeshwar and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Abhyankar, Advocate for the appellants,
Shri D.V. Chauhan, Advocate for the respondent no.1,
Shri M.R. Johrapurkar, Advocate for the respondent nos.2 to 6.

CORAM : Z.A. HAQ, J.

DATED : OCTOBER 10, 2016.

CIVIL APPLICATION [F] NO.3325 OF 2016

The respondent no.1 seeks modification of the order dated 21.9.2016 and prays that the observation made by this Court that the executive body alleged to have been elected in elections in respect of which Change Report No.12/2009 and Change Report No.20/2015 are pending is managing the affairs of the trust be deleted. It is submitted that the observation made by this Court in the order passed in Writ Petition No.4932/2007 on 8.12.2008 and in the order passed in Writ Petition No.4308/2010 on 5.10.2010 to the effect that executive body recorded on Schedule I of the public trusts register is managing the affairs of the trust was not pointed out to this Court when the order was passed on 21.9.2016.

In the order passed on 21.9.2016, it is recorded that there is nothing on record to show that the respondent no.1 is disputing that the executive body alleged to have been elected in the elections in respect of which the Change Report No.12/2009 and Change Report No.20/2015 are pending, is managing the affairs of the trust.

In the present application, the respondent no.1 has not been able to show that the observations made in the order passed on 21.9.2016 are not in consonance with the facts on record. The position of 2008 or 2010 as recorded in the earlier orders cannot be considered for directing an interim arrangement, as the present position is required to be considered.

There is no substance in the application. The civil application is dismissed.

JUDGE

Gulande

CERTIFICATE

“I certify that this order uploaded is a true and correct copy of original signed order.”

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