

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO. 681 OF 2001

MOHD.AYYUB PASHAMIYA MANIYAR AND ORS
VERSUS
MOHD.ISMAIL ABDUL KARIM SHAIKH MISBA-UL-
ULOOM & OTHERS

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Mr N P Patil Jamalpurkar, advocate for appellants.
Advocate for Respondents 1-4 : Mr S.S Manale

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CORAM : V.K. JADHAV, J.

Dated: June 14, 2017

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PER COURT :-

1. Learned counsel for respondent nos. 1 to 4 submits that, parties arrived at a compromise and the compromise terms were reduced into writing before the Notary on 20.11.2003 and, in terms of the said compromise a Special General Body meeting was called on 6.12.2003 pursuant to a notice dated 20.11.2003 and the Managing Committee has been elected in terms of the settlement as arrived between the parties on 20.11.2003. Learned counsel appearing for respondent nos. 1 to 4 submits that, even said compromise terms verified before the notary came to be produced before the Assistant Charity Commissioner in Inquiry

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No.917/2003 and the Managing Committee which has been elected as per the terms of the compromise. Accordingly the learned Assistant Charity Commissioner, after recording his observations and on perusal of the said compromise accepted the change report. Learned counsel submits that, present appellants have agreed in the said compromise that the previous change reports filed by them will not be pressed and in terms of the said compromise, the parties will proceed. Thereafter, some of the appellants have preferred revision petition No.1/2011 and 2/2011 before the Joint Charity Commissioner, Latur Region, Latur challenging the said order passed by the Assistant Charity Commissioner in change report No.917/2003, however, by the order dated 22.7.2016, the learned Jt. Charity Commissioner has dismissed both the revisions applications.

2. Learned counsel in order to substantiate his contentions produced all relevant documents before this Court. It appears that, the order passed by the Joint

Charity Commissioner dismissing said revision application nos.1/2011 and 2/2011 has now attained finality.

3. The learned counsel appearing for the appellants has also not disputed this position.

4. In view of the same, this appeal has now become infructuous. Hence, the appeal is disposed of as infructuous.

(V.K. JADHAV, J.)

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