

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

WRIT PETITION NO. 6151 OF 2013

SHIVSHANKAR OMKAR GIRI (GOSAVI)
VERSUS
SHRI. MAHADEO DEVSTHAN AND OTHERS

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Advocate for Petitioner : Mr Gunale V.D.
Advocate for Respondents 2 to 6,8,11 : Mr Patil Jiwan J
Petition dismissed against R.No.10.

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CORAM : V.K. JADHAV, J.
Dated: November 01, 2017

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PER COURT :-

1. The learned Jt. Charity Commissioner, Aurangabad by impugned order dated 26.4.2013 in Misc. Application 10/2012 though rejected application seeking restoration of the appeal on merits, granted liberty to petitioner to approach the Civil Court, and, if decision is rendered in favour of the petitioner by the Civil Court, the petitioner would be at liberty to file an application for deleting the property presently shown in Schedule-I of the Trust.

2. The learned counsel for the petitioner submits that, at the time of passing of the impugned order,

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petitioner had already approached the Civil Court by filing R.C.S. No.36/2007 and Civil Court has decreed the said suit in the year 2015. Learned counsel on instructions submits that, decree has attained finality since no appeal is preferred by the aggrieved persons. Learned counsel for respondent, however, submits that, there are no instructions whether any appeal has been preferred or not.

3. Since Jt. Charity Commissioner has granted liberty to the petitioner to file an application for deleting the disputed property from Schedule-I pursuant to the judgment and decree passed by the Civil Court, the petitioner can avail said liberty. Petitioner is at liberty to file such an application before the appropriate authority for deletion of said property pursuant to the judgment and decree passed by the Civil Court. Writ petition is accordingly disposed of. No costs.

(V.K. JADHAV, J.)

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aaa/-