

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10022 OF 2017

RITESH KACHRULAL KAMAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Shri A.N. Nagargoje.
AGP for Respondent No. 1 : Shri S.N. Kendre.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 07th August, 2017

PER COURT :

1. The petitioner is aggrieved by the order dated 19/07/2017, by which, application Exhibit 23, filed by the petitioner has been kept pending and the litigating sides have been directed to advance final arguments in Civil M.A. No. 117/2016.

2. The petitioner submits that by judgment dated 03/05/2016, the Assistant Charity Commissioner, Jalna has accepted the change report in enquiry No. 723/2009. Grievance is that the change report is accepted only on the ground that the term for which the office bearers were elected, has expired.

However, by doing so, the Assistant Charity Commissioner has made certain observations against certain members of the Trust, by which, their membership is under suspicion.

3. It is further submitted that elections which are scheduled on 22/08/2017, has set the election process in motion. Today on 07/08/2017, the membership of the petitioner is said to be cancelled.

4. The petitioner submits that the application for seeking a stay to the judgment of the Assistant Charity Commissioner dated 03/05/2016, Exhibit 5 is pending in Civil M.A. No. 117/2016,

5. Considering the above, the petitioner would be at liberty to seek urgent hearing of Exhibit No. 5 on the next date in the matter which is said to be 10/08/2017 before the appellate Court. In so far as the rejection of the membership of the petitioner is concerned, same cannot be assailed in this Court, when the substantive appeal is pending before the District

Court. The petitioner would be at liberty to seek remedial action with regard to the same.

6. This petition, is therefore, disposed of by observing that if the petitioner or any litigating side is desirous of seeking urgent hearing on Exhibit 5 and/or Exhibit 83, they may accordingly request the appellate forum and seek hearing on the said application. If, a request is made, the appellate Court would consider the same expeditiously.

(RAVINDRA V. GHUGE, J.)

S.P.C.