

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1442 OF 2016

Shri. Bhagyavantidevi Charitable Trust	..Petitioner
Versus	
Shri. Shankar Satlingappa Mehtre and others	..Respondents

Mr. Khateeb Vakeel i/by Mr. A. R. Rayani for the Petitioner.
Mr. I. M. Khairdi for the Respondent Nos.1 to 25.
Mr. S. D. Rayrikar, AGP for the Respondent Nos.27 & 28.

CORAM : R. M. SAVANT, J.
DATE : 20th MARCH, 2017

PC.

1 The order dated 21.12.2015 passed by the Assistant Registrar of Societies, Solapur Region, Solapur, registering the Respondent No.26 under the Societies Registration Act, 1860 is taken exception to by way of the above Petition. The Petitioner is a Trust registered under the Bombay Public Trusts Act, 1950, whereas the Respondent No.26 is a society registered under the said Act. The said registration is challenged on the ground that the Registering Authority has erred in registering the Respondent No.26 which has the same name as the Petitioner Trust. The Learned Counsel Mr. Khateeb Vakeel relies upon Section 3A of the said Act to contend that a society having the same name cannot be registered as in terms of the said Section it would be an “undesirable” name. In so far as the said fact is concerned, Section 6 provides for the society which

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is registered to sue or to be sued in its name. Since it is the case of the Petitioner that by registering the Respondent No.26 society in the same name as the Petitioner, the Respondent No.26 is trying to misuse its registration and that the public in general is likely to be misled, in my view, it is not possible for this Court to entertain the grievance of the Petitioner in respect of the said registration in the Writ Jurisdiction of this Court. In the event, the Petitioner Trust files a suit, the said aspects can be gone into by the appropriate Civil Court. Hence, by relegating the Petitioner to the said remedy by way of a suit, the above Petition is disposed of.

[R.M.SAVANT, J]