

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

**CIVIL APPLICATION NO.1016 OF 2017
IN
WRIT PETITION NO.10988 OF 2013**

Ms. Jayashree C Kabali : Applicant.

In the matter between

**Seth Meghji Vallabhdas Charitable Trust : Petitioner
versus
State of Maharashtra and ors. : Respondents.**

**Mr. Bhushan Walimbe a/w Mr. Parineet Saratkar i/by SSP Legal for the
Applicant.**

Mr. R B Jain i/by Legal Juris for the original Petitioner.

**CORAM : R. M. SAVANT, J.
DATE : 26th APRIL 2017**

P.C.

1 The Civil Application has been filed seeking the following
substantial reliefs :-

(a) That this Hon'ble Court be pleased to clarify that the observation vis-a-vis the trusteeship of Mrs. Bhanumati M. Kabali and Kiran M. Raja are merely prima facie and are not binding on the authority who seized with the hearing of Revision No.1 of 2015 and other proceedings in the office of Charity Commissioner relating to the said trust;

(b) That during the pendency and final disposal of the Revision Application No.1 of 2015 Bhanumati M Kabali and Kiran M. Raja be restrained from appointing any further trustee.

(c) Pending the hearing and final disposal of the present Civil Application Bhanumati M Kabali and Kiran M Raja be restrained from appointing any further trustee.”

2 The Applicant was not a party to the above Writ Petition No.10988 of 2013 but claims to be a great granddaughter of the original settler Shri Seth Meghji Vallabhdas and the niece and cousin of the present trustees i.e. Mrs. Bhanumati M. Kabali and Mrs. Kiran M Raja. The said Mrs. Kiran M Raja is the daughter of the said Mrs. Bhanumati M Kabali. The aforesaid reliefs are sought on the basis of the Application that the Applicant has filed being Revision Application No.1 of 2015 under Section 70A of the Maharashtra Public Trust Act assailing the order of acceptance of Change Report No.770 of 2005 by which the said Mrs. Bhanumati M. Kabali and Mrs. Kiran M Raja have been appointed as trustees of the said Trust. The clarification of the order in terms of prayer clause (a) thereof is sought in view of the fact that this Court in its order dated 20/03/2017 has permitted the remaining trustees i.e. Mrs. Bhanumati M. Kabali and her daughter Mrs. Kiran M Raja to take steps to fill up the remaining posts of the trustees in terms of the scheme. This Court has further observed that if they fail to do so, the Charity Commissioner then may take steps to fill up the posts of trustees keeping in mind the requirements and qualifications that are stipulated in the scheme for appointment of the trustees.

3 In my view, since the Change Report No.770 of 2005 has already

been accepted by the order passed by the Assistant Charity Commissioner, it is not possible to grant the relief sought vide prayer clauses (b) and (c) of the above Civil Application. In so far as the prayer clause (a) is concerned, the permission granted to the existing trustees i.e. Mrs. Bhanumati M. Kabali and Mrs. Kiran M Raja would be without prejudice to the rights and contentions of the Applicant in Revision Application No.1 of 2015 as also any other Application that the Applicant may file assailing the appointments of the new trustees if such appointments are made by the existing trustees. Needless to state that the contentions of the parties are kept open for being urged at the appropriate time. It is made clear that the Charity Commissioner would also not be influenced by the order dated 20/03/2017 passed by this Court. The Revision Application No.1 of 2015 as also any other Application challenging the appointments of the trustees would be tried on their own merits and in accordance with law. With the aforesaid clarification, the above Civil Application is disposed of.

[R.M.SAVANT, J]