

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.1038 OF 2013
WITH
CIVIL APPLICATION NO.2939 OF 2013**

Sumati Madhukar Samant & Ors	...Appellants
<i>Versus</i>	
Shreshtha Sevashram (Ratnagiri) Thr Trustees	...Respondents

Mr PM Arjunwadkar, for the Appellants.
Mr RS Apte, Senior Advocate, i/b Vaibhav P Patankar, for
Respondents Nos.1 to 11.
Mr YY Dabke, AGP/for Respondent No.12.

CORAM: G.S. PATEL, J
DATED: 13th June 2017

PC:-

FIRST APPEAL NO.1038 OF 2013

1. Admit.
2. Call for the R&P.

3. Parties are agreed that the Appeal may be heard on the basis of a private paper book. The Appellant will file private paper book within 12 weeks from today.

CIVIL APPLICATION NO.2939 OF 2013

4. Civil Application No.2939 of 2013 seeks a stay on execution of the impugned judgment dated 12th November 2009 of the learned Joint Charity Commissioner. That order of the learned Joint Charity Commissioner was unsuccessfully challenged in Miscellaneous Charity Application 4 of 2010, which was dismissed on 12th February 2013. This is the judgment under appeal. There is no question of a 'stay'. The Joint Charity Commissioner allowed an appeal by setting aside an award of 25th January 2007 of the Assistant Charity Commissioner. In doing so, the learned Joint Charity Commissioner recorded that certain properties were the properties of the Trust. There can be no immediate threat or prejudice as a result. A registered public charitable trust cannot dispose of its immovable properties without permission of the Charity Commissioner. It is therefore sufficient to clarify that pending the final disposal of the present Appeal, the authorities in the Charity Commissioner's Office will not grant permission for the alienation or disposal of the properties in question without a specific order of the Court.

5. The Civil Application is disposed of in these terms.

(G. S. PATEL, J.)