

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**CIVIL APPLICATION (ST) NO. 19999 OF 2017**  
**IN**  
**FIRST APPEAL NO. 432 OF 2016**

Rajesh Chunilal Meghani ...Applicant  
*Versus*  
The Andheri Recreation Club & Ors ...Respondents

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**Mr Priyadarshan V Shah**, *for the Applicant.*  
**Mr Rajkumar Mishra**, *i/b RK Mishra & Co, for Respondents Nos. 1 to 3 & 14.*  
**Mr RS Apte, Senior Advocate**, *i/b Mr Dilip Shukla, for Respondents Nos. 4 to 6.*  
**Mr Sunny Punamiya**, *i/b VSSP Legal, for Respondent No. 10.*

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**CORAM: G.S. PATEL, J**  
**DATED: 20th July 2017**

**PC:-**

1. This Civil Application is both misconceived and misdirected. By a detailed order and judgment dated 12th June 2016, MS Sonak J disposed of the Applicant's First Appeal No. 432 of 2016. He partly allowed the Appeal and gave the Applicant/Appellant liberty to apply within four weeks to the Charity Commissioner for permission to institute a suit, and directed the Charity Commissioner to dispose of the application within two months.

Sonak J specifically held that the Appellant's suit required prior permission of the Charity Commissioner under Sections 50 and 51 of the Mumbai Public Trusts Act.

2. It seems that even before this four-week period ended, the Respondent club, a registered trust, initiated disciplinary proceedings against the Appellant. He now apprehends that the disciplinary proceedings will result in an adverse order. He therefore seeks a stay on the disciplinary proceedings. That is inconceivable.

3. The Appellant forgets that what Sonak J's order did was only to hold that the suit required prior permission. If he is still a member of the Respondent club, he will undoubtedly be heard in accordance with its rules and regulations, including as to the disciplinary procedure and the quantum of punishment, if any. There is no warrant for the apprehension that he will be condemned unheard, or that a punishment will be handed down without giving him an adequate opportunity of meeting the case against him. It seems to me that this application anticipates that the result of the disciplinary proceedings is a foregone, and adverse, conclusion. There is no warrant for this.

4. The Application is misconceived because what the Applicant seeks is a protective order in a parent proceeding that has already been finally disposed, and in which it was held that the Applicant's suit itself was incompetent without prior sanction. No such so-called 'interim' relief can be granted when no final relief is possible or even available.

5. The Affidavit in Reply is taken on file.
6. The Civil Application is dismissed. No costs.
7. This order is without prejudice to the rights and contentions of both sides. The disciplinary proceedings will not be influenced by this order, which does not in any way address the merits of the case against the Appellant. If those disciplinary proceedings result in an order or punishment adverse to the Appellant, he may pursue such remedies as are legitimately available to him in law.

**(G. S. PATEL, J)**