

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

**CIVIL APPLICATION NO. 2998 OF 2017
IN
FIRST APPEAL (ST.) NO. 25510 OF 2017
WITH
FIRST APPEAL (ST.) NO. 25510 OF 2017**

Shri Dnyaneshwar Madhukar Dode & Ors. ... Applicants/
Appellants.

V/s.

Shri Dattatraya Wamanrao Shul & Ors. ... Respondents.

Mr. Rameshwar N. Gite, Advocate for the Applicants/Appellants.
Mr. Sagar A. Mane, Advocate for the Respondent Nos. 1 to 7.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 06th DECEMBER, 2017

PC :

1 Learned counsel for the Applicants/Appellants submits that the application of the applicants under section 47 of the Maharashtra Public Trusts Act, 1950 was rejected and the application filed by the Respondent Nos. 1 to 7 under section 37 of the said Act, was allowed by the judgment and decree dated 4th July, 2017 passed by the Joint Charity Commissioner Nashik Region, Nashik. He submits that the appellants have a good case on merits and therefore, the impugned judgment and order dated 4th July, 2017 be stayed.

2 Learned counsel appearing for the Respondents, while opposing this civil application submits that, at present and earlier also, the present Respondent Nos. 1 to 7 are working as trustees and looking after the administration of the trust. The trust is running a primary school. He submits that if the judgment and decree is stayed, there will be no trustee to run the primary school. He, therefore, prays that the impugned judgment and order may not be stayed.

3 Heard submissions. As Respondent Nos. 1 to 7 have been carrying day-to-day activities of the trust and running the primary school, I am not inclined to stay the judgment and order passed by the learned Joint Charity Commissioner Nashik Region, Nashik. However, I direct the Respondents Nos. 1 to 7 not to submit a change report before the Charity Commissioner and no further changes be carried out in the record of the Charity Commissioner and in the record of the trust, pursuant to the impugned judgment and order.

4 Civil Application is disposed of in the above terms.

5 First Appeal to come up for admission after 10 weeks i.e. on 14.02.2018

(MRIDULA BHATKAR, J.)

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