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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11734 OF 2016

The National Federation of the Blind ... Petitioner

Versus

Shri. Sitaram Bedse and Ors. ... Respondents

Mr. R.D. Soni a/w Mr. S.N. Gawade and Mr. Ajay Sharma i/by M/s. Shree and Co. for the Petitioner.

Mr. Pradeep J. Thorat for the Respondent No.2.

Ms. Sangeeta Yadav for the Respondent Nos.4 to 8.

**CORAM : A.S. OKA &
ANUJA PRABHUDESSAI, JJ.**

DATE : 5th JANUARY, 2017

PC.

1 On the earlier date, Rule has been issued and rule on interim relief has been made returnable today. The operative part of the impugned order passed in purported exercise of power under Section 41A of the Maharashtra Public Trust Act, 1950 reads thus :-

- “1. This application is partly allowed as follows.
2. It is directed that the incoming committee mentioned in the Change Report No. ACC (HOSP)/2703/2012 shall look after the day to day management of the trust till the decision of Change Report no.ACC (HOSP)/2337/2015.

3. It is further directed to the incoming committee mentioned in the Change Report No.ACC (HOSP)/2703/2012 that they shall not take any major policy decision without permission of this authority.
4. The Reporting Trustee and objector in Change Report No.ACC(HOSP)/2337/2015 is directed to take necessary steps and shall co-operate to dispose of Change Report No.ACC(HOSP)/2337/2015 at earliest.
5. Parties to act accordingly.
6. No order as to costs.”

2 The learned counsel appearing for the Respondent No.2 has placed on record a copy of judgment and order dated 28th November, 2016 passed by the Assistant Charity Commissioner (Hospital), Greater Mumbai Region, Mumbai by which the Change Report No.ACC(HOSP)/2337/2015 has been finally disposed of by rejecting the same.

3 The impugned order was to operate only till the disposal of the said Change Report. The learned counsel appearing for the Petitioner also accepts that the Change Report has been disposed of by order dated 28th November, 2016. He states that the Petitioner has preferred an Appeal against the said order in which interim relief has been granted.

4 In view of the order dated 28th November, 2016, clause (1)
of the impugned order has become inoperative and consequently,
embargo under clause (2) will not apply.

5 Accordingly, the Petition does not survive and the same is
disposed of. Rule is discharged. We, however, make it clear that this
order will not prevent the Petitioner from applying for appropriate
interim relief in the pending Appeal.

(ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)