

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

**CIVIL APPLICATION NO.3183 OF 2017
IN
FIRST APPEAL NO.1244 OF 2015**

Mr.Nitin J. Salve	..Applicant
V/s.	
Mr.James Baker & Ors.	..Respondents

Mr.Kayval P. Shah for the Applicant.

None present for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 09th OCTOBER 2017

P.C.

1. Not on board. Upon production, taken on board.
2. Heard learned counsel for the parties.
3. This application is entirely misconceived and it is therefore, required to be dismissed with costs.
4. In paragraph 68(e) of the judgment and order with regard to which clarification is applied for, the following is stated :-

““68(e) The concerned Charity Commissioner and the Joint Charity Commissioner is directed to hold elections for the position of trustees of the Trust, in accordance with law as expeditiously as possible and to complete election process, not later than three months from the date of this order;”

5. Now, certain issues are attempted to be raised as regards the expression “in accordance with law”, and on said basis, clarification is applied for. The attempt, appears to have to be scuttle the election process. Accordingly, there is no necessity to issuing any clarification. The Charity Commissioner or the Joint Charity Commissioner who are to hold the elections have not found any ambiguity. At the behest of the present applicant there is absolutely no necessity for issuing any clarification. Even otherwise there is no necessity to issuing any clarification.

6. The next modification applied for is in the context of paragraph 64, wherein it is held that “the appellants in First Appeal No.1244 and 1250 of 2015 are required to be saddled with exemplary cost. From the evidence on record, it is clear that the appellants-trustees have frittered away the trust property for a pittance”. It is now pointed out that the appellant in First Appeal No.1244 of 2015

was not a trustee. The sentences, are it is quite clear, in as much as it refers to the appellants-trustees. Accordingly, there is no case for any modification made out. Order of costs relates *inter-alia* also to false and frivolous plea raised by the parties, which includes the present applicant.

7. This application for clarification/modification is therefore dismissed with costs quantified at Rs.10,000/-. The cost are imposed because the attempt on the part of the applicant was to create impediment in conduct of election. This amount is payable within four weeks from today.

(M. S. SONAK, J.)