

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

WRIT PETITION NO. 13006 OF 2016

Burzor Rustom Joshi

..Petitioner

v/s.

Minoo Bakhtiyar Panday & Ors.

..Respondents

Mr. Rajesh S. Patil for the Petitioner.

Mr. V.P.Malvankar AGP "A" Panel, for the Respondent Nos.5 and 6.

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

DATED : 18TH JANUARY, 2017

P.C.

1. Not on Board. On production, taken on board.
2. The prayer in this petition under Article 226 of the Constitution of India is for issuing a Writ of Mandamus to the respondent no.5, who is a Judicial Officer, directing him to forthwith dispose of the Appeal No.26 of 2012 along with the interim application pending therein.
3. A judicial notice will have to be taken of the fact that there is

huge pendency of cases before the learned Joint Charity Commissioner at Mumbai. If the petitioner wants disposal of his appeal by taking up the appeal for out of turn hearing, it is for the petitioner to make appropriate application before the learned Joint Charity Commissioner. It is for the learned Joint Charity Commissioner to decide whether priority deserves to be given to the appeal of the year 2012, considering the nature of various matters pending before him.

4. If interim application in the said appeal is still pending and is not yet heard, we are sure that on an application being made by the petitioner, the learned Joint Charity Commissioner will give necessary priority to the disposal of the interim application.

5. Subject to what is stated above, petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(A.S.OKA, J.)