

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4561/2016

Ravi S/o Suryabhan Mendhe
..Vs..
Vikas Prem Somkuwar and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.D. Abhyankar, Adv. for the petitioner.
Shri R.S. Shambharkar, Adv. for respondent No.1.
Shri A.P. Thakre, Adv. for respondent No.2.
Shri S.P. Deshpande, Addl. G.P. for respondent No.3.

CORAM : Z.A.HAQ, J.

DATE : 2.5.2017.

Heard.

The Advocate for the petitioner has submitted that the application filed by the respondent Nos.1 and 2 seeking permission to participate in the proceedings before the Assistant Charity Commissioner is allowed without there being any pleadings to show that they are the persons having interest in the public trust as contemplated by Section 2(10) and Section 73A of the Maharashtra Public Trusts Act, 1950.

On being confronted with the above situation, the learned Advocate for the petitioner, on instructions, seeks permission to withdraw the application (Exh. No.10) with liberty to file fresh application. Considering the facts of the case, the respondent Nos.1 and 2 are permitted to withdraw the application (Exh. No.10) with liberty to file fresh application, if so advised. As the application is withdrawn, the impugned order does not survive.

The petition is **disposed of** in the above terms. The respondent Nos.1 and 2 shall pay costs quantified at

Rs.2,000/- (Rs. Two Thousand Only) to the petitioner and produce receipt on the record of the proceedings before the Assistant Charity Commissioner within one month, failing which the learned Assistant Charity Commissioner shall pass appropriate orders against them considering it to be non-compliance of the order passed by this Court.

JUDGE