

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3795 OF 2017

NAVAPUR EDUCATION SOCIETY THROUGH VIPINBHAI
MAGALDAS CHOKHAWALA AND OTHERS

VERSUS

VIJAY ALIAS VIVEK RAMDAS PATHAK

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Advocate for Petitioners : Mr. Wani Ruchir S.

Advocate for Respondent : Mr Rupesh Bora h/f G D Jain

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CORAM : V.K. JADHAV, J.

Dated: February 06, 2018

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PER COURT :-

1. Learned counsel for the petitioners, on instructions, seeks leave to withdraw this writ petition for the reason that the application exh.28 is lacking all the details and the petitioner would file the detailed application alongwith the relevant documents before the trial court.

2. Learned counsel for respondent submits that, petitioner has not filed the application mentioning all the details without any supporting documents and, as such, the trial court has rightly rejected the application.

3. It appears that, the petitioner is a trust registered under the provisions of The Maharashtra Public Trusts Act, 1950 and instituted the suit for eviction under the Maharashtra Rent Control Act, 1999 on the ground of *bona fide* requirement. It appears that, during the pendency of the suit, one of the trustee who has instituted the suit died, and as such, the trustee on Schedule I wants to substitute the deceased Trustee in the pending suit.

4. In view of the above, leave granted. Writ Petition is disposed of as withdrawn with the liberty to the petitioner/Trust to file an appropriate application mentioning all the details with the supporting documents before the Trial Court and, the trial court shall decide the said application afresh after giving an opportunity of being heard to the other side. No costs.

(V.K. JADHAV, J.)

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