

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12997 OF 2018
IN
REVIEW APPLICATION ST.NO. 27302 OF 2018
IN
WRIT PETITION NO. 4201 OF 2018

Johnson William Shakespear
and others

...Applicants

VERSUS

Rev. Dr. Sanny Panditrao Misal
and another

...Respondents

...
Mr. V.S.Bedre, advocate for applicants
Mr. S.S.Shinde, advocate for respondents
...

CORAM : S.V.GANGAPURWALA
AND
SUNIL K. KOTWAL, J.

DATE : OCTOBER 26, 2018

O R D E R :

Review is sought of the order, dated 27, 2018.
In fact, the order, dated 27.7.2018 is passed by this
Court on the concession given by the advocates.

2. Paragraphs 8 and 9 of the order, dated 27.7.2018 read thus : -

"8. We had asked the learned counsel of respective parties, whether any of the parties would have any objection if the elections are held after 24.10.2018. The learned counsel for the respective parties, on instructions of the respective litigants, state that let the elections be held after 24.10.2018.

9. In view of that we need not dilate on merits of the contentions of either of the parties. The elections shall be held as per the impugned order by appointing Mr. P.M.Andhale, Inspector as an Election Officer after 25.10.2018. "

3. There cannot be review of the order passed on the consent of the parties. The contention of the review applicant is that the Assistant Charity Commissioner, under order, dated 13.11.2014 had appointed interim trustees and directed them to submit the scheme. The scheme is submitted under Scheme Application No. 25 of 2014.

4. The non-applicants have raised objection to the scheme and same is still pending. According to

the non-applicants the constitution/by-laws of the trust exist since beginning.

5. There cannot be review of the order passed on the basis of consent of the parties.

6. Be that as it may, by way of clarification, we only observe that the elections as directed shall be held according to the constitution/by-laws/scheme that would be in force.

7. Review Application is accordingly disposed of. Civil Application also stands disposed of. No costs.

[SUNIL K. KOTWAL, J.] [S.V.GANGAPURWALA, J.]

dbm