

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 CIVIL APPLICATION NO. 12454 OF 2018
IN
SA/1208/2005

THE SECRETARY, MAHARSHI DAYANAND
VYAYAM AND KRIDA MANDAL LATUR
VERSUS
VAIBHAV CO OP BACKWARD HSG SO LTD AND ORS.

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Mr. R.N.Dhorde, Senior Counsel i/b
Mr. V.R.Dhorde, Advocate for applicant.
Mr. P.N.Kutti, A.G.P for State.
Mr. S.V.Chandole h/f Mr. V.G.Sakolkar,
Advocate for R - 1.

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CORAM: V.L.ACHLIYA, J.

DATE : 16/10/2018

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ORAL ORDER :

1. The applicant/appellant has filed this application seeking following relief.

[B] Applicant Society be permitted to perform the Dushera festival on suit land on 18/10/2018 from 4.00 p.m. to 10.00 p.m. and for that purpose issue necessary

2. Mr. R.N.Dhorde, learned Senior Counsel for the applicant submits that request for grant of limited permission to celebrate Dushera festival in terms of undertaking given in para No. 7 was granted by this Court on two occasions. In the previous year, similar request was made and this Court [CORAM : N.W.SAMBRE,

J.] pleased to pass the following order.

" After hearing respective learned counsel for some time, in my opinion, the application can be allowed in terms of prayer clause 'B' as applicant has furnished an undertaking before this Court dated September 6, 2017 which is in tune with the earlier similar orders passed in the present proceedings.

With above observations, application stands allowed in terms of prayer clause 'B'. "

3. It is submitted that in order to allow the applicant - Society to celebrate Dushera on 18/10/2018 in between 4.00 p.m. to 08.00 p.m., the requisite permission may be granted in terms of prayer clause 'B' on same terms and conditions.

4. Learned counsel for respondent No. 1 submits that appropriate order may be passed in the matter.

5. Considering the fact that Dushera festival is to be celebrated on 18/10/2018 and the present appeal is pending since 2005 and earlier permission was granted vide Order dated 19/09/2018, I am of the view the application deserves to be allowed in terms of prayer clause 'B' subject to filing a written undertaking by the applicant in the capacity as a officer bearer of the Trust to the effect that Dushera festival will be celebrated at suit site only in between 4.00 p.m. to 10.00 p.m. on 18/10/2018 and no permanent structure will be erected. The undertaking to further

specify that festival will be open for celebration to all the general public and no one from public will be prohibited from attending the programme.

6. The application disposed of in above terms.

[V.L.ACHLIYA]
JUDGE

KNP/C.A. 12454.2018 in S.A. 1208.2005