

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 2098 OF 2018****Rambag Mandir Trust Pandharpur & Ors. Petitioners****VERSUS****Vitthaldas Pannalal Mundada & Ors. Respondents**

Mr.Anilkumar Patil, a/w. Mr.Sachin Pawar and Mr.Pradeep Kotkar for the Petitioners.

Mr.Anil Sakhare, Senior Advocate, a/w. Mr.Sanjeev Singh, Mr.Anant Vadgaonkar for the Respondent no.1 to 10.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent nos. 11 to 13.

CORAM : R.D. DHANUKA, J.**DATE : 20th FEBRUARY, 2018****P.C.**

Mr.Patil, learned counsel for the petitioners on instruction states that the petitioners will hand over charge of the trust along with records in question to the learned Assistant Charity Commissioner in terms of the order dated 7th November,2017 on 27th February, 2018 at 05.00 p.m. without fail. Statement made by the learned counsel for the petitioners is accepted as an undertaking to this court.

2. Upon handing over charge along with records of the trust within the time prescribed to the Assistant Charity Commissioner by the petitioners, the petitioners would be at liberty to appear before the Joint Charity Commissioner, Pune Region, Pune and to file their submissions before the Joint Charity Commissioner and submit relevant documents proposed to be relied upon by the petitioners

before the Joint Charity Commissioner, Pune Region, Pune.

3. The petitioners agree to appear before the Joint Charity Commissioner on 5th March, 2018 at 11.00 a.m.

4. The respondent nos. 1 to 10 are also permitted to appear before the Joint Charity Commissioner at the same time and to file appropriate submissions and documents in support of their case before the Joint Charity Commissioner.

5. Learned Charity Commissioner shall pass a fresh order after hearing the parties in the Application No.3 of 2017 without being influenced by the findings rendered in the impugned order and conclusions drawn within eight weeks from the date of conclusion of the hearing.

6. Learned Joint Charity Commissioner shall not grant any unnecessary adjournment to any of the parties. All contentions of both the parties are kept open.

7. In view of the aforesaid directions, the impugned order dated 21st December, 2017 passed by the Joint Charity Commissioner annexed at Ex.B is set aside. Application No.3 of 2017 is restored to file.

8. The parties as well as authorities to act on the authenticated copy of this order. No order as to costs.

9. The writ petition is disposed of in the aforesaid terms.
10. It is made clear that if the charge and the records of the trust is not handed over by the petitioner to the Assistant Charity Commissioner as directed within one week from today, this writ petition to stand dismissed without further reference to court.

[R.D. DHANUKA, J.]