

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST.) NO.11706 OF 2018

Shivai Mandir Trust, Pune

.. Petitioner

Vs.

Prakash Nanabhau Tajane & Ors.

.. Respondents

Mr.Ojas Deolankar for the petitioner.

Mr.Sanjiv A. Sawant for the respondent nos.1 to 4.

Mr.S.D.Rayrikar, AGP for the respondent nos.5 & 6.

CORAM : R.D. DHANUKA, J.

DATE : 7th August 2018

P.C.:

. The petitioner has impugned the order dated 8th March 2017 passed by the learned Assistant Charity Commissioner in Change Report No.325 of 2017 thereby impleading the contesting respondent nos.1 to 4 as party-respondents to the said change report.

2. It is not in dispute that the separate change report bearing Change Report No.326 of 2017 has already been filed by the petitioner seeking deletion of the names of the respondent nos.1 to 4 as trustees in petitioner-trust. The said change report is pending.

3. Learned counsel for the petitioner states that the Change Report No.326 of 2017 would be heard first and if the said change report is rejected for any reasons, in so far as the deletion of the names of the respondent nos.1 to 4 is concerned, the respondent nos.1 to 4 in that event can participate in the Change Report No.325 of 2017. He submits

that if the Change Report No.326 of 2017 is allowed, the question of the respondent nos.1 to 4 participating in Change Report No.325 of 2017 does not arise.

4. In view of this submission and the statement made by the learned counsel for the petitioner, this writ petition can be disposed of with the following directions :-

- (i) Change Report No.326 of 2017 shall be heard first. If the petitioner succeeds in the said change report and it is accepted that the names of the respondent nos.1 to 3 are rightly deleted as trustees in the petitioner trust, these respondents will not participate in the Change Report No.325 of 2017.
- (ii) A copy of the said change report shall be brought to the notice of the learned Assistant Charity Commissioner, Pune-4.
- (iii) Writ petition is disposed of in aforesaid terms. No order as to costs.
- (iv) Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.