

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

FIRST APPEAL NO.163 OF 2008

Basavraj Sidramayya Jangam ... Appellant

Vs.

Uttam Narayan Joshi & Ors. ... Respondents

Mr.S.A. Rajeshirke for the Appellant
Mr.N.P. Deshpande, for Respondent No.1

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JANUARY 31, 2018**

P.C. :

1. The application was filed by the appellant Basavraj Sidramayya Jangam under section 22A before the Charity Commissioner that the suit property is to be declared as a trust property. The respondent claims the suit property as his private property and not a trust property. The Assistant Charity Commissioner rejected the said application against which an appeal was filed before the Joint Charity Commissioner which was allowed. Against the said order, an application under section 72(1) of the Bombay Public Trusts Act was filed before the District Judge, Sangli and the said application was allowed whereby the judgment of the Joint Charity Commissioner was set aside and the

order passed by the Assistant Charity Commissioner holding that the suit property is not a trust property was restored against which the appellant/original petitioner has preferred this appeal.

2. The learned Counsel for the respondent informs the Court that the sole appellant Basavraj Sidramayya Jangam has expired on 18.7.2017.

3. Hence, the appeal abates and is disposed of as such. At this stage, the learned Counsel for the deceased appellant submits that he will take out necessary proceedings.

(MRIDULA BHATKAR, J.)