

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

CIVIL REVISION APPLICATION NO. 908 OF 2012

Shree Dev Sansthan Chinchwad, Pune	Applicant
V/s.	
Samastha Gaonkari Mouje Baner & Ors.	Respondents

Mr. S.V. Pitre for the applicant.
Mr. A.R. Patil, AGP for Respondent No.4 – State of Maharashtra.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATED : 13TH JUNE, 2018.**

P.C.:

. Mr. A.R. Patil, learned AGP submits that the suit land belongs to the State of Maharashtra. The applicant claims that this land belongs to the Devasthan Trust. However, he has no instructions whether the Written Statement is filed before the Trial Court by Defendant No.2 – State of Maharashtra. The plaintiffs have taken stand that the land belongs to the Defendant No.2 – State of Maharashtra.

2. *Per Contra*, the learned counsel for the Applicant/Defendant No.1 submits that the land is allotted to them as “Inam” as it belongs to Devasthan and it is a trust property.

3. Perused the issues marked under 'Exhibit 73' of 20th August, 2013. In this petition, the proceedings of the Trial Court was not stayed. I am informed that the plaintiffs have filed amendment applications before the trial court. Till today, affidavit-in-chief is also not filed.

4. The evidence of the plaintiff is over. In view of this, as the Trial Court has framed Issue no.IV which is “whether defendant no.1 proves that the suit lands are allotted to it as 'Inam' and it is Trust property ?. If this issue is answered in affirmative, then considering the reliefs prayed in the plaint, the Civil Court will not have any jurisdiction to try and entertain this suit and it should go before the Charity Commissioner.

5. It is to be noted that the prayers in the plaint are totally different than the right claimed i.e. right to graze the cattle and the property is to be used as 'Gairan'. Hence, Civil Revision Application is disposed of.

6. The Trial Court is directed to expedite the matter and endeavour to dispose of the same on or before 31th December, 2018.

(MRS. MRIDULA BHATKAR, J.)