

Anand

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

WRIT PETITION NO. 12003 OF 2018

Chetan Prabodh Mehta

.Petitioner

Vs.

Kishore K. Mehta & ors.

.Respondents

Mr. P. Seksaria a/w Mr. D. K. Sinha i/b. Vidhi Partners, Advocate,
for the Petitioner

Mr. Z. B. Kamdin a/w Mr. D. Bhupesh and Mr. Y. Mehta,
Advocate, for the Respondent Nos. 1 & 2

Mr. S. D. Rayarikar, AGP, for the Respondent No. 11

CORAM : REVATI MOHITE DERE, J.

DATE : 25.10.2018

P.C.

. Heard learned counsel for the parties.

2. By this Petition, the Petitioner has impugned the order dated 04.10.2018 passed by the Joint Charity Commissioner, Mumbai, below Exh. 63.

3. The Petitioner herein i. e. the Respondent No. 5 before the Joint Charity Commissioner had filed an Application praying

for an urgent hearing of their Application, being Exh. 54. The Joint Charity Commissioner vide order dated 04.10.2018 observed that considering the nature of prayers, it would be proper to keep the Application (Exh. 54) for hearing alongwith the Applications, being Exhs. 3, 17 & 29 in Application No. 674 of 2017. The only grievance of the Petitioner is, that their Application (Exh. 54), is pending since May, 2017 and that till date, the said Application, (Exh. 54) praying for interim relief has not been decided by the Authority. It is also informed that the next date before the Joint Charity Commissioner is 03.11.2018.

4. Considering the aforesaid, it would be appropriate to direct the Joint Charity Commissioner, Mumbai to decide the Petitioner's Application, being Exh. 54 alongwith all connected Applications on 03.11.2018. If for any reason, the hearing cannot be concluded on 03.11.2018, the Joint Charity Commissioner will give a short date and shall dispose of the Application, being Exh. 54 and connected Applications as expeditiously as possible and in any event **on or before 07.12.2018**. All parties assure to co-operate with the Joint Charity Commissioner in the expeditious

disposal of the Applications. Learned counsel for the parties also assure that they will not seek any adjournment before the Authority and as such, assure to co-operate in the expeditious disposal of the said Applications. Statement accepted.

5. The Petition is disposed off on the aforesaid terms.

6. All contentions of all parties are expressly kept open, including the issue of maintainability. It is made clear, that this Court has not considered the merits of the case and as such, the learned Joint Charity Commissioner shall decide the said Applications on its own merits and in accordance with law.

All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)