

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

FIRST APPEAL NO.166 OF 1997

(SHIVENDRAKUMAR UDARAMJI PALIWAL THR. LRS & OTH ..VS.. JOINT CHARITY
 COMMISSIONER,NAGPUR & OTH.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.S.Joshi, Advocate for Applicants/Appellants.
 Ms Mrunal Naik, A.G.P. for Respondent No.1.

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 14, 2018.

CIVIL APPLN.NOS.1227/2016 & 1228/2016.

Accepting the explanation given in the applications, delay of 420 days in filing the application for substituting name of the legal representatives of the appellant No.1 on record is condoned and the applicants are permitted to get themselves impleaded as appellants.

The civil applications are **allowed** accordingly.

CIVIL APPLN.NOS.1655/2018 & 1657/2018.

Respondent No.2-Sitaram Narayanrao Badwaik is reported to be dead. The respondent No.2 was impleaded as party as he had filed revision application before the Joint Charity Commissioner, claiming to be the person interested in Shreeram Mandir Deosthan, Sindi.

In my view, looking to the controversy the legal representatives of the respondent No.2 are not required to be brought on record.

The applications are, therefore, **dismissed**. No costs.

CIVIL APPLN.NO.1226/2016 & MCA ST.NO.6845/2016.

Considering the nature of controversy and accepting the explanation given in the applications, delay of 517 days in filing the Miscellaneous Civil Application is condoned. The order passed by this Court on 18th September 2014 dismissing the appeal for want of prosecution is recalled and the First Appeal is restored.

Civil Application and Miscellaneous Civil Application are **allowed** accordingly. No costs.

FIRST APPEAL NO.166/1997.

Issue notice to the respondents.

Ms Mrunal Naik, A.G.P. waives notice for the respondent No.1.

As the dispute is, whether the trust in question is a public trust or not, in my view, it would be appropriate to direct issuance of public notice bringing to the knowledge of the residents of Sindi, Tahsil : Seloo, District : Wardha that this appeal involving the issue as observed earlier is pending before this Court. The notice should be published at a conspicuous place on the entrance of Shreeram Mandir Deosthan. In addition, the notice be published in two Marathi newspapers having wide circulation in Sindi, Tahsil

Seloo, District : Wardha. The notice of appeal be served on the respondent Nos.5 and 6 individually.

In addition to the usual mode, the appellants shall serve the respondent Nos. 5 and 6 by Registered Post Acknowledgment Due also.

Call R & P.

Registrar (Judicial) to ensure that R & P is received by next date.

The appellants to take steps for implementation of this order till 28th September, 2018.

List the appeal for further consideration on 25th October, 2018.

JUDGE