

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

FIRST APPEAL NO.3752 OF 2016

1. Shivanjali Mahila Samiti Nandurbar
through its Chairman:-
Shri. Avinash Vasantrao Pawar,
Age: 45 years, Occu. Service,
R/o, Plot No.1, Madhyamik Shikshan
Colony, Nandurbar, Tq. & Dist.
Nandurbar.
2. Dr. Kamaltai Mothabhau Marathe
(since deceased)
3. Adv. Shailendra Vasantrao Pawar,
Age: 47 years, Occ: Advocate,
R/o, Mukarba, Chhoti Pati,
Devas (Madhya Pradesh).
4. Aruna w/o Avinash Pawar,
Age: 45 years, Occ: Household,
R/o, Plot No.1, Madhyamik Shikshan
Colony, Nandurbar, Tq. & Dist.
Nandurbar.
5. Shri. Avinash Vasantrao Pawar,
Age: 45 years, Occ: Service,
R/o, Plot No.1, Madhyamik Shikshan
Colony, Nandurbar, Tq. & Dist.
Nandurbar.
6. Pratibha d/o Vikaramrao Garud,
Age: 47 years, Occ: Household,
R/o, Mukarba, Chhoti Pati,
Devas (Madhya Pradesh).
7. Sarojini w/o Vasantrao Pawar,
Age: 83 years, Occ: Household,
R/o, Mukarba, Chhoti Pati,
Devas (Madhya Pradesh).

...Appellants

Versus

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Surekha w/o Satish Mohite,
Age: 60 years, Occ: Household,
R/o, F/301, Patil Rejency,
Infront of Sharda Center
of Karve Road, Erandwane,
Pune-4.

...Respondent

...
Mr. Mahesh S. Deshmukh, Advocate for Appellants.
Mr. R.S. Pawar, Advocate for Respondent.

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CORAM : P.R. BORA, J.
DATED : 07th March, 2019.

ORAL JUDGMENT:-

1. Heard Shri Deshmukh, the learned counsel appearing for the appellants and Shri Pawar, the learned counsel appearing for the sole respondent. The matter pertains to a trust by name Shivanjali Mahila Samiti at Nandurbar. The elections for the managing committee of the said trust were held some times in the year 2010 and the present appellants came to be elected in the said elections and were to look after the affairs of said trust for the period of five years from 2010 to 2015. The change report was filed after the elections were over to bring on record the said change. The learned Assistant Charity Commissioner accepted the change report.

2. The order passed by the Assistant Charity

Commissioner was challenged before the Joint Charity Commissioner who confirmed the said order. Thereafter, the respondent moved to the District Court Nandurbar and the learned District Judge vide order passed on 15.12.2015 in Miscellaneous Application No.4 of 2013 remanded the matter for deciding it afresh to the Assistant Charity Commissioner. The said order is challenged in the present appeal.

3. It is evident that the period for which the appellants were elected has been completed. It is informed that the elections were held in the year 2015 for electing the new body for the period of next five years i.e. 2015 to 2020 and the new body has come in power and is functioning.

4. After having considered the facts as aforesaid, it appears to me that the issues and objections raised in the appeal have now rendered only academic. In the case of **"Jagatnarayansingh Swarupsingh Chithere & Ors Vs. Swarupsingh Education Society & Anr, 1980 Mh.L.J. 372"**, this Court in the similar circumstances has disposed of the appeal before it in view of the subsequent development alike in the present matter. Considering the view taken in the said judgment and having considered the

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facts in the present case it appears to me that there is no propriety in now deciding the appeal on merits and the issues and objections as are raised in the present appeal by the parties can be kept open to be agitated open in the appropriate proceedings if any such occasion arises. In the result, the following order is passed:

ORDER

- i) The impugned order dated 15.12.2015 passed in Miscellaneous Civil Application No.4 of 2013 is set aside.
- ii) It is clarified that this Court has not entered into the merits of the case and the issues raised in the present matter by the respective parties are kept upon to be agitated by them in the appropriate proceedings if any such occasion arises.
- iii) The first appeal stands disposed of in the aforesaid terms.
- iv) Pending civil applications, if any, stand disposed of.

(P.R. BORA, J.)