

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8988 OF 2019

BHAUSAHEB KONDAJI GITE AND OTHERS
VERSUS
KOTULESHWAR MAHADEV MANDIR TRUST AND OTHERS

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Advocate for Petitioners : Smt. Zaware Suvarna M.
AGP for Respondents 6 to 8 : Shri Tiwari S.P.
Advocate for Respondents 1-C, 1-E & 1-G: Shri Deshmukh Ajinkya
h/f Shri Hon A.V.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 24, 2019

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PER COURT :-

1. I have heard the learned Advocate for the petitioners at length. She has seriously criticized the impugned order and has vehemently submitted that defendant Nos.2 to 4, who were permitted to act as the Trustees on behalf of defendant No.1 Trust, as an interim measure, need to be divested of their responsibilities because the new Trustees have already been elected, have taken charge and have been arrayed as defendants in RCS No.467 of 2008. It is, therefore, prayed that the order dated 31.1.2015, passed by the trial Court and the subsequent order dated 7.3.2019 passed by the same Court, rejecting application Exhibit 262 filed by the petitioners, need to be set aside.

2. Learned Advocate for respondents 1-C, 1-E & 1-G submits that the trial Court has now posted the suit for final hearing on 31.7.2019.

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2-WRIT PETITION NO. 8988 OF 2019

The suit is 11 years old and the trial Court would decide the same, within a short time.

3. I am of the view that an interlocutory order which is passed 4 years and 6 months ago for making an interim arrangement may have lost its efficacy. However, the trial Court would be deciding the suit on its own merits and this aspect can be gone into by the trial Court..

4. In view of the above, this petition is disposed off.

5. It is expected that all the litigating sides would conclude their final oral submissions on 31.7.2019 and by 1.8.2019. The trial Court is requested to decide the suit on/or before 31.8.2019.

(RAVINDRA V. GHUGE, J.)

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