

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8613 OF 2015

...
Sarojini Educational & Cultural Foundation & Ors.Petitioners
V/S

Prataprao Baburao Kate & Ors.Respondents

...
Mr. Sandeep S. Koregave for the Petitioners.
Mr. Karan J. Thorat, AGP for Respondent No.3/State.

...
**CORAM : A.A. SAYED &
RIYAZ I. CHAGLA, JJ.**
DATE : 25 AUGUST 2021

ORDER:

1 The Petitioners have impugned the order dated 10 June 2015 of the Assistant Charity Commissioner, Kolhapur, in Inquiry Application No.57 of 2015 under section 41-A of the Maharashtra Public Trusts Act, 1950. By the impugned order, the said Inquiry Application was allowed and directions were given by the Assistant Charity Commissioner to the Petitioners 'to hold a meeting' for accepting the resignation of the Respondent No.1-Prataprao Baburao Kate as Trustee and appointing his son as Trustee.

2 Learned Counsel for the Petitioners states that the Respondent No.1 Prataprao Baburao Kate has passed away. He has placed on record a copy of Death Certificate of Respondent No.1-Prataprao Baburao Kate.

3 It is noted that the Inquiry Application was filed on behalf of Respondent No.1 by his son as the Constituted Attorney. Inasmuch the

Respondent No.1-Pratap Baburao Kate who was a Trustee has died, the question of holding a meeting to 'accept his resignation' does not arise. So far as the appointment of the son of the Respondent No.1-Prataprao Baburao Kate as a Trustee is concerned, that would be regulated by the Trust Deed. In view of the aforesaid subsequent event the impugned order is rendered infructuous.

4 In the circumstances, no orders are required to be passed in the Petition. The Petition is accordingly disposed of by keeping the remedies of the son of Respondent No.1-Prataprao Baburao Kate open.

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(RIYAZ I. CHAGLA, J.)**(A.A. SAYED, J.)**