

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

**REJECTED CASE NO.2010 OF 2019
[FIRST APPEAL (ST.) NO.14611 OF 2019]
ALONG WITH
INTERIM APPLICATION NO.1 OF 2019**

Andheri Recreation Club & Ors. .. Appellants/Applicants
Vs.
The State Jt. Charity Commissioner-II,
Greater Mumbai Region & Ors. .. Respondents

Mr.Dilip H. Shukla for the appellants/applicants.
Mr.P.V. Shah for the respondent no.6.

**CORAM : R.D.DHANUKA, J.
DATE : 2nd December 2019**

P.C.:

. In view of the issue of maintainability raised by the learned counsel for respondents in respect of this appeal on the ground that Section 72 of the Maharashtra Public Trusts Act, 1950 is deleted, learned counsel for the appellant seeks liberty to withdraw this first appeal with liberty to file appropriate proceedings. Mr.Shah, learned counsel for the respondent strongly opposes the prayer for liberty to file appropriate proceedings.

2. There is no substance in the objection raised by the learned counsel for the respondent that the appellant cannot be granted liberty to withdraw this first appeal with liberty to file appropriate proceedings.

3. Leave to withdraw this first appeal is granted with liberty as prayed. In view of withdrawal of the first appeal, interim application does not survive and is accordingly dismissed. All contentions of parties on merits are kept open. No order as to costs. Refund of Court fees, if any, as per rules.

R.D.DHANUKA, J.