

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION
FIRST APPEAL NO.1044 OF 2018
with
CIVIL APPLICATION NO.3452 OF 2018**

Maharashtra Vidyarthi Sahayak Mandal ... Appellant

vs

Mr.Suresh Deshmukh & ors .. Respondents

Mr.A.V.Anturkar Sr.Advocate with Mr.Ajinkya

Udane for Appellant

Mr.S.R.Ronge for Respondent nos.1 and 2.

Ms.Jercy Goswami AGP for Respondent no.3

CORAM : K.K.TATED J

DATE : 25TH MARCH, 2019

P.C

Heard learned senior counsel for the appellant and
Mr.Ronghe learned counsel for the respondent nos.1 and 2.

2. Learned Senior counsel for the appellant submits that appellant has filed the present First Appeal against the order dated 5.5.2018 passed by the Joint Charity Commissioner, Pune below Exhibit 5 in Application No.27 of 2018 under section 41E of the Maharashtra Public Trust Act, 1950. He submits that against the said

order, a writ petition is maintainable as per the Division Bench Judgment of this Court in *Mohd Abdul Rasheed s/o Mohd. Abdul Razzak & anr vs Dy.Charity Commissioner, Aurangabad & ors reported in 2009 (6) Mh.L.J. 545.*

3. In view of this fact, he submits that the appellant may be permitted to withdraw the present First Appeal to file a Writ Petition for the same cause of action. To that effect, the appellant has given in writing which is taken on record and marked as 'X' for identification. The same is accepted.

4. First Appeal as well as Civil Application stands disposed of with liberty as prayed.

{K.K.TATED, J}