

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 1580 OF 2019

**The Bombay Diocesan Trust
Association Pvt. Ltd.**

..... Petitioner

VERSUS

The Manager, Canara Bank & Ors.

..... Respondents

Mr.Ankit Lohiya, a/w. Mr.Rupesh Geete, i/b. M/s.Parinam Law Associates for the Petitioner.

Mr.Raman Paranjape for the Respondent no.3.

Mr.Sameer Vaidya, a/w. Ms.Shaila Pathak, i/b. M/s.Pathak Associates for the Respondent no.4.

CORAM : R.D. DHANUKA, J.

DATE : 9th AUGUST, 2019

P.C.

By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 9th May,2019 passed by the Assistant Charity Commissioner in Application No.42 of 2018 rejecting the interim application filed by the petitioner trust in the application filed under section 41A of the Maharashtra Public Trust Act, 1950, on the ground that the learned Assistant Charity Commissioner has no power to grant any injunction.

2. It is not in dispute that the application filed by the petitioner under section 41A of the Act in the month of August 2018 against the Canara Bank and is still pending. There is no dispute that the respondent nos. 3 and 4 are already allowed to intervene in the said application filed under section 41A of the Maharashtra Public Trust

Act, 1950. Learned counsel appearing for the parties jointly state that the said application filed by the petitioner under section 41A of the Act be heard expeditiously by the learned Assistant Charity Commissioner.

3. A perusal of the record indicates that the similar reliefs are already granted by the Assistant Charity Commissioner in respect of the six other bank accounts of the petitioner by an order dated 22nd March, 2018 in Application No.ACC-VII/10/2018 under section 41A of the Act.

4. The Assistant Charity Commissioner is accordingly directed to dispose of the said application filed under section 41A of the Act filed by the petitioner within two months from the date of communication of this order after hearing the petitioner as well as the respondent nos. 3 and 4 who are allowed to intervene in the said application filed under section 41A of the Act.

5. The learned Assistant Charity Commissioner shall decide the matter without being influenced by the observations made and the conclusion drawn in the order dated 9th May,2019 passed by the Assistant Charity Commissioner on the interim application filed by the petitioner in the said application filed under section 41A of the Act. None of the parties shall seek any unnecessary adjournment before the Assistant Charity Commissioner.

6. Till such time the application filed under section 41A is decided by the learned Assistant Charity Commissioner and for a period of two weeks from the date of communication of the order that would be passed by the learned Assistant Charity Commissioner, the operation of

the account no. 0106201005836 standing in the name of the petitioner with the respondent no.1 stands suspended.

7. The parties as well as the authority to act on the authenticated copy of this order.

8. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D.DHANUKA, J.]