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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3119 OF 2018

Anjali A. Wayangankar & Ors.

...Petitioners

V/s.

Milind V. Chindarkar & Ors.

...Respondents

Mr.P.V. Sagam for the Petitioners.

Mr.Uday Warunjikar with Mr.Siddhesh Pilankar and Mr.Sumit Kate for
the Respondent No.1.

CORAM : R.D. DHANUKA, J.

DATE : 14TH JUNE, 2019.

P.C. :-

1. By this petition filed under Article 226 of the Constitution of India, the petitioners have impugned the order dated 31st January, 2018 passed by the learned Joint Charity Commissioner rejecting the application filed by the Petitioners below Exhibit 19 which was filed by the petitioners in Application No.651 of 2016 filed by the respondent no.1 under section 41-D of the Maharashtra Public Trusts Act, 1950 (for short "the said Act").

2. Learned Joint Charity Commissioner has rejected the said application on the ground that *prima-facie* civil suits filed by the respondent no.1 and others were filed for challenging illegal removal of the applicants from the trusteeship of the trust whereas the

prayers in the application filed under section 41-D of the said Act are different. Learned Joint Charity Commissioner accordingly held that she has jurisdiction to entertain the application under section 41-D of the said Act and accordingly rejected the application filed by the petitioners for stay of the proceedings under section 10 of the Code of Civil Procedure, 1908.

3. I have perused the prayers in the four suits filed by the respondent no.1 and other parties and also the prayers in the application under section 41-D of the said Act. In the application under section 41-D of the said Act, the respondent no.1 has prayed for expulsion and removal of the trustees of the trust which prayers specifically fall under section 41-D(1) of the said Act. Learned Authority has not gone into the merits of the application under section 41-D of the said Act filed by the respondent no.1. It is made clear that insofar as the other issues raised by the petitioners in the application filed before the learned Joint Charity Commissioner are concerned, learned Joint Charity Commissioner shall consider those issues on merits while considering the application filed by the respondent no.1 under section 41-D of the said Act.

4. Hearing of Application No.651 of 2016 is expedited. Both the parties are directed to co-operate with each other and also with the learned Joint Commissioner in disposing of the said application

expeditiously and shall not seek any unnecessary adjournment. It is made clear that this Court has not expressed any views on the other issues raised by the petitioners on merits in the application below Exhibit – 19 in which the impugned order came to be passed.

(R.D. DHANUKA, J.)