

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2660/2019

(NASRULLAKHAN SARFARAZKHAN & ANOTHER VERSUS ABID KHAN AKBAR KHAN)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.A. Gode, counsel for petitioners.

CORAM : A.S. CHANDURKAR, J.

DATE : APRIL 01, 2019.

The petitioners are aggrieved by an interim order passed by the Appellate Court on 20.07.2017 staying the effect and operation of the order passed by the trial Court in enquiry proceedings wherein the respondent has been removed from trusteeship of the trust.

Shri P.A. Gode, learned counsel for the petitioners submits that considering the substantial material on record that was considered by the learned Joint Charity Commissioner while removing the respondent from trusteeship under Section 41D of the Maharashtra Public Trusts Act, 1950, the learned District Judge-1, Darwaha was not justified in staying the order.

Considering the fact that the appeal filed by the present petitioners is pending before District Judge-1 and the order dated 20.07.2017 staying the removal of the respondent has operated for all this period, the interests of justice would be served if the proceedings in the appeal filed by the petitioner are expedited. Hence, instead of entertaining the writ petition on merits, the interests of justice would be served by passing the following order.

- I. The proceedings in Miscellaneous Civil Appeal No.25 of 2017 that is pending with the learned District Judge-1, Darwha is expedited. The said appeal be decided on its own merits and in accordance with law by the end of October-2019. It is clarified that the Appellate Court should not be influenced by any observations made in the impugned order while deciding the appeal.
- II. All respective rights and contentions are kept open.

The Writ Petition is disposed of in aforesaid terms. No costs.

JUDGE

APTE