

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

M.C.A. No.925 of 2016
in
Writ Petition No. 2824/2015 (D)
(Mahadev s/o Sakharam Mathurkar and another .vs. Harihar Ramchandra
Kurzekar and ors.)

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

Mr. R.L. Khapre, Advocate for Petitioners.
Mr. A.M. Ghare, Advocate for Respondent Nos. 1 & 2.

CORAM : Manish Pitale, J.
DATED : January 14, 2019.

By this review application, the applicants/original petitioners, have sought review of the order dated 23.08.2016 passed by this Court. By the said order, the order passed by the Assistant Charity Commissioner was upheld. The said order directed appointment of Election Officer to conduct election of the trust in pursuance of a scheme framed under the provisions of the Maharashtra Public Trusts Act, 1950.

2. By passage of time, it is informed by the learned counsel appearing for the parties that election in pursuance of said order of the Assistant Charity Commissioner, which was confirmed by the said order of this Court, was conducted on 18.09.2016 and that a change report pursuant to the same was filed under Section 22 of the said Act, which is pending consideration before the Assistant Charity Commissioner. With these events that have occurred

after passing of the order dated 23.08.2016, which is made subject matter of present review application, it is evident that the order of this Court has worked out itself and the review application to that extent has become infructuous. The change report pursuant to the election is pending before the Assistant Charity Commissioner where the parties have liberty to raise contentions as are available to them.

3. Additionally, it is submitted on behalf of the petitioner that the very scheme, in pursuance of which the order for appointment of Election Officer and conducting election was made, was made subject matter of challenge and that now the said controversy is pending before this Court in the form of Writ Petition Stamp No.25469 of 2018. It is obvious that any order passed in this review application will not come in the way of the petitioners to raise such contentions as are available to the applicants herein in the said writ petition, in accordance with law.

4. In the light of the above, the present review application is dismissed.

JUDGE

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