

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**FIRST APPEAL NO.771 OF 2013
ALONG WITH
CIVIL APPLICATION NO.2377 OF 2013**

Prabhakar Tukaram Khade .. Appellant
Vs.
Sangeeta Rajendra Thorve & Ors. .. Respondents

Mr.Manoj A.Patil a/w Mr.Y.B. Lengare i/by Mr.Sumar Y. Lengare for the appellant.
Mr.A.V. Anturkar, Senior Advocate a/w Mr.Tanaji Mhatugade i/by Mr.S.B. Deshmukh for the respondent nos.1 to 10.
Ms.Tanaya Goswami, AGP for the respondent no.13.

CORAM : R.D.DHANUKA, J.
DATE : 6th January 2020

P.C.:

. By this first appeal filed under Section 72 of the Bombay Public Trust Act, 1950, the appellant has impugned the judgment and order dated 16th February 2013 passed by the learned District Judge-1, Baramati in Misc. Civil Application No.38 of 2008 thereby dismissing the Misc. Civil Application filed by the appellant.

2. There is no dispute that both the parties have filed separate change report under Section 22 of the Maharashtra Public Trusts Act, 1950 and they are decided either in favour of the appellant or the respondent nos.1 to 10. By an order dated 24th June 2005 passed by the

Additional District Judge, Baramati in Civil M.A. No.59 of 2000 in which the appellant was also one of the applicants, the learned Additional District Judge has allowed the said application and has set aside the order dated 29th August 2000 in M.A. No.21 of 2000 passed by the Deputy Charity Commissioner. The learned Additional District Judge remanded the matter back to the Deputy Charity Commissioner, Pune and directed that after giving opportunity to the parties and also other interested persons in the Trust to decide the matter afresh. It was further directed that the opponents to the said application who were trustees appointed under the new scheme shall hand over the charge of the Trust along with the property to the then existing trustees on the date of filing of application M.A. No.21 of 2000. It was also directed that the existing trustees on the day of filing of M.A. No.21 of 2000 to hold election of the trustees within a period of three months from the date of the said order after complying with the provisions of Maharashtra Public Trusts Act and the constitution of the Trust.

3. It is not in dispute that the order was not impugned by any of the parties to the application. Fresh election was thereafter held. The elected members filed fresh change report. The objection to the said change report filed by the appellant came to be dismissed. Misc. civil application bearing No.38 of 2008 filed by the appellant also came to be dismissed.

4. A perusal of the record annexed to the proceedings clearly indicates that learned District Judge has considered the evidence led by the parties before the Deputy Charity Commissioner and has considered the effect of the order passed by this Court directing the parties to hold an election. Fresh election was thereafter conducted. The period of managing committee was for 5 years. The period of 5 years had expired. Mr. Patil, learned counsel for the appellant does not dispute that after 5 years, further fresh election is held.

5. Learned counsel for the contesting respondents invited my attention to the order dated 18th April 2008 passed by the Division Bench of this Court directing the competent authority to decide the change report expeditiously. Learned counsel for the contesting respondents states that all the change reports are disposed of by the authority pursuant to the said direction issued by the Division bench of this Court on 18th April 2018.

6. In view of the subsequent developments and the material considered by the learned District Judge and the Deputy Charity Commissioner in change report which was the subject matter of the said misc. civil application, in my view, no case is made out for interference with the order passed by the learned District Judge as well as by the learned Deputy Charity Commissioner. Appeal is devoid of merit and is

accordingly dismissed. In view of dismissal of the first appeal, civil application does not survive and is disposed of. No order as to costs.

R.D.DHANUKA, J.