

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

CIVIL APPLICATION NO. 1080 OF 2020
IN WRIT PETITION NO.764 OF 2020

(Baburao s/o Marotrao Sapkal vs. Rameshrao s/o Tulshiramji Mahalle and others)

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

Shri K.P. Mahalle, Advocate for applicants/
respondent nos.1 to 4.
Shri Pranav Deshmukh, Advocate for petitioner.
Shri D.P. Thakare, Additional Government Pleader
for respondent no.5.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : DECEMBER 17, 2020

Heard learned Counsel for the parties.

2) The prayer made in this civil application
is as follows :

“Hon’ble Court may be pleased to :

*1) direct the petitioner to comply the order dated
27.01.2020 passed by Ld. Assistant Charity
Commissioner in Inq. No. 02/2018, which is
confirmed by this Hon’ble High Court vide order
dtd. 26.02.2020 passed in Writ Petition
No.764/2020.*

IN THE ALTERNATIVE

*2) suspend the petitioner from acting as a
Trustee of Shree Maharudra Sansthan, Sawra, till*

the time the order dtd. 27.01.2020 passed by Ld. Assistant Charity Commissioner in Inq. No.02/2018, which is confirmed by this Hon'ble High Court vide order dtd. 26.02.2020 passed in Writ Petition No.764/2020 is complied, so as to avoid damage that is likely to be caused to the Trust at the hands of the petitioner."

3) The alternate prayer is regarding suspension of the original petitioner from acting as a Trustee. The first prayer, it is obvious, is in the nature of a plea made before this Court for executing the order passed by the Assistant Charity Commissioner. This Court cannot be treated as an executing Court. This prayer is rejected.

4) As regards suspension of the petitioner from acting as a Trustee, appropriate remedy is available before the appropriate forum constituted under the Maharashtra Public Trusts Act. Therefore, at this stage, the alternate prayer also cannot be considered and granted. The civil application is rejected.

JUDGE

JUDGE