

Ashwini

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6513 OF 2019
WITH
INTERIM APPLICATION NO. 2105 OF 2021
WITH
INTERIM APPLICATION NO. 1453 OF 2021
WITH
INTERIM APPLICATION NO. 826 OF 2021
WITH
INTERIM APPLICATION NO. 277 OF 2020
WITH
CIVIL APPLICATION NO. 1287 OF 2019

Kishor K Mehta & Anr

...Petitioners

Versus

Rekha H Sheth & Ors

...Respondents

Mr Karl Tamboly, *with Abhishek Prabhu and Jyoti Ghag, i/b*
Thakore Jariwala, for the Petitioner.

Mr Vishal Kanade, *with Dharendra Sinha and Abhishek Salian, i/b*
Vidhii Partners, for Respondents Nos. 1 & 5.

Mr Mahesh Vaswani, *with M Siganporia & Sumangala Yadav, i/b*
Jayesh Gawde, for Respondent No.12.

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.

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DATED: 20th December 2021

PC:-

1. The main Writ Petition itself can be worked out by the following directions, which are by consent of the parties, all of whom agree that reasons are not necessary.
2. The Writ Petition is directed against an interim order of 22nd March 2019 on an application made by the Petitioners under Section 41A read with Section 41E of the Maharashtra Public Trusts Act, 1950. The main application under Sections 41A and 41E is yet pending before the Charity Commissioner. Both sides agree that a schedule maybe fixed for the final disposal of the main 41A/41E application.
3. In the present Writ Petition, several IAs have been filed. Those will also stand disposed of by virtue of this order.
4. The Petitioners are at liberty to place the facts contained in the various IAs in the further Affidavit that is to be served by 3rd January 2022.
5. All Affidavits in Reply that are yet pending to the 41A/41E application, as also any further Affidavits in Reply to deal with the Petitioners' further affidavit, are to be filed and served by 21st January 2022.

6. A single consolidated Affidavit in Rejoinder is permitted by 4th February 2022.
7. No further Affidavits are to be filed by either side.
8. No further IA is permitted in respect of the present 41A/41E application.
9. Both sides agree that they will not even apply for leave to lead oral evidence. That statement is noted and accepted as an undertaking to the Court.
10. Advance written submissions, which must be concise, while yet in a readable font size, are to be filed by 18th February 2022. No responses are permitted to the written submissions by either side.
11. The learned Charity Commissioner is requested to hear both sides and pass a reasoned order on the 41A/41E application. He is requested to do so without in any way being influenced by the impugned order of 22nd March 2019.
12. The schedule mentioned above is inflexible and time will not be extended for any reason whatsoever. If any party has failed to comply, its right to make that filing will stand forfeited. The reason for this is to enable the learned Charity Commissioner to complete the disposal of the Section 41A/41E proceeding according to schedule.

13. With this, the Writ Petition and all the very many IAs stand disposed of.

14. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)