

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

FIRST APPEAL NO. 240 OF 1998
WITH
CIVIL APPLICATION NO. 2085 OF 1998

Punaji Govind Joshi & Ors.

..Appellant.

v/s.

The Charity Commissioner,
Maharashtra State, Bombay

..Respondents

Mr. Swapnil Walve h/f. Suresh Kamble for the Appellant/Applicant.
Ms. Tanaya Goswami AGP for the Respondent-State.
Mr. Arun Palekar for the Respondent No.3.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 7th SEPTEMBER, 2022.**

P.C.

1. The Petitioner herein has challenged the judgment dated 15.11.1997, whereby the learned Addl. District Judge, Sindhudurg, Oros, dismissed the Civil Revision Application Nos.3 of 1985 and Civil Misc. Application No.45 of 1985 filed by the aforesaid Appellants.
2. The Respondent No.3 and the deceased Respondent No.4 had filed an application under Section 19 of the Bombay Public Trust Act being Application No.930 of 1981 for registration of the Trust and also for declaration that they are the hereditary trustees of the said Trust of Navlaidevi, situated at Vaghotan, Sindhudurg.
3. Upon hearing the respective parties, by order dated 29.09.1982,

learned Assistant Charity Commissioner, Kolhapur directed registration of Navlaidevi under the provisions of B.T. Act and for issuance of registration certificate. Learned Assistant Charity Commissioner also directed both parties to approach the Charity Commissioner under Section 50A of the B.P.T.Act, 1950 for getting the scheme framed for better management and administration of the said Trust. The appeal No. 13/1983 filed by the Petitioner was dismissed on 24.12.1984. The Addl. District Judge, Sindhudurg, dismissed the Civil Revision Application No. 45 of 1985 against the said order.

4. It is stated that the Trust has been registered. Records also reveal that registration of the Trust was challenged in Suit No.2 of 2007 filed by one Chandrakant Joshi seeking a declaration that registration of the Trust was null and void. The said suit has been dismissed by judgment dated 18.11.2017. The records reveal that one of the villagers has filed an application under Section 50A of B.P.T.Act before the learned Assistant Charity Commissioner, Sindhudurg, for framing of the scheme, which is essential for better administration and management of the Trust. It is stated that the said application is still pending. Under such circumstances, no case is made out to interfere with the impugned order.

5. Hence, the Appeal is dismissed. Civil Application stands dismissed in view of dismissal of the appeal.

(ANUJA PRABHUDESSAI, J.)