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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8675 OF 2021**

Shri Bhairavnath Deosthan Kashing (Trust)
and Others Petitioners.

V/s
Mr. Namdev Raghu Temghare and Ors. Respondents.

Mr. D.J. Dalal for the Petitioners.
Mr. Ojas Deolankar for Respondent Nos. 1 and 2.

CORAM: NITIN W. SAMBRE, J.

DATE: JUNE 23, 2022

P.C.:-

1] Petitioners/Trustees are facing proceedings under section 41F of the Maharashtra Public Trusts Act in which prayer of the Petitioners on the maintainability of the said proceedings is rejected by the impugned order.

2] Relying on provisions of Section 36(1)(b) of the said Act so also contents of the order dated 29/4/2015, submissions are, property of the Trust can be given on leave and license for short time and there is no embargo to that effect either by way of undertaking given by the Petitioners or otherwise in the statute.

3] In the aforesaid backdrop, Petition stands disposed of.

4] However, it is clarified that in case final order under Section 41F goes against the interest of the Petitioners, same be not given effect to for a period of six weeks.

(NITIN W. SAMBRE, J.)