

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
LETTERS PATENT APPEAL NO. 28 OF 2010
IN
WRIT PETITION NO. 3859 OF 2008

Sheth Shapurji Sorabji Kappawal Charity Trust ...Appellant
Versus
Joint Charity Commissioner & Ors ...Respondents

Mr Firdosh Pooniwalla, i/b Ashutosh Dubey, for the Appellant.
Ms Uma Wagle, for Respondent No. 3.
Mr Yatin R Shah, with Divya Tekwani, for Respondent No. 5.
Ms Shruti Vyas, 'B' Panel Counsel, for the Respondent-State.

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SHEPHALI SANJAY
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Date: 2022.07.22
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**CORAM G.S. Patel &
Gauri Godse, JJ.**
DATED: 21st July 2022

PC:-

1. Mr Pooniwalla, learned Advocate for the Appellants states that the Appeal is infructuous. The dispute arose in regard to the redevelopment of a dilapidated structure. The Charity Commissioner refused permission to appoint a redeveloper on the basis that there was an insufficient material to show that the building is critically dangerous.

2. Since the MCGM declared the building dangerous, it has in fact being brought down.
3. There is a Agiary on the same plot. The proposed construction is next to Agiary. Mr Pooniwalla states that there is no proposal to touch the Agiary.
4. In these circumstances, we are satisfied that the Appeal itself is infructuous.
5. The only direction that remains is as regards an amount of Rs. 3 lakhs that was deposited by the 3rd Respondent. This may be allowed to be withdrawn with accrued interest by the 3rd Respondent.
6. All contentions of both sides in other proceedings are expressly kept open.
7. Previous orders, if any, to continue until the next date.

(Gauri Godse, J)

(G. S. Patel, J)