

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.3968 OF 2023
WITH
CIVIL APPLICATION (ST.) NO. 12414 OF 2023

SHRI SARASWATI VIDYA PRASARAK MANDAL THROUGH ITS
PRESIDENT PADMA MOTILAL KOTECHA
VERSUS
KAVYITRI BAHINABAI CHAUDHARI NORTH MAHARASHTRA
UNIVERSITY THROUGH ITS REGISTRAR AND OTHERS

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Advocate for Petitioners : Mr. Dixit Sushant V.
Advocate for Respondent No.1 : Mr. Y.B. Bolkar h/f Mr. A.B. Girase
AGP for Respondent Nos. 2 and 3: Mr. S.P. Tiwari
Advocate for Applicant- intervener (C.A. St. No. 12414/23) : Mr. S.V.
Deshmukh
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 12th APRIL, 2023.**

PER COURT :-

1. During the pendency of this Petition, certain developments have taken place in the form of fresh orders, passed by the Kaviyatri Bahinabai Chaudhari North Maharashtra University, Jalgaon, on 24.03.2023 and 28.03.2023.

2. The Applicant, who tenders a civil application across the bar (civil application filed in the Court), submits that the Petitioner is not the authorized representative of the Trust. Her name is not there in Schedule-I for the current year. The learned advocate for the Applicant submits that the Petitioner was an elected trustee in the year 2009. Shri Deshmukh, the learned advocate submits that her name is not mentioned in Schedule-I for the present and this Petition is filed by a

person, who has no locus to lodge the Petition.

3. The learned advocate for the Petitioner submits that the Petitioner may be granted leave to withdraw this Petition, so as to file a fresh Petition and assail all developments, that have occurred after filing of this Petition. Shri Deshmukh, submits that the issue of maintainability be kept open.

4. In view of the above, this Petition is disposed off as withdrawn, on instructions. In so far as the liberty to file a fresh Petition is concerned, without creating any equities in favour of the Petitioner and without meaning that we have adjudicated upon the locus of the Petitioner, if she (Smt. Padma w/o Motilal Kotecha) files a fresh Petition for setting forth any cause of action, as is set out in this Petition, for challenging certain/further orders, a copy of this order shall be placed on record and before addressing the Court, the Petitioner shall first point out this order to the learned Bench. The issue of maintainability of the said Petition is kept open.

5. All contentions of the litigating parties are kept open.

6. Pending Civil Application (St.) No. 12414 of 2023, is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/