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Uday S. Jagtap

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

**FIRST APPEAL NO. 513 OF 2021
WITH
INTERIM APPLICATION NO. 3140 OF 2021
IN
FIRST APPEAL NO. 513 OF 2021**

Sainath Laxman Desai

.. Appellant

Vs.

Ashok Sambhaji Teli *alias*
Dhamapurkar & Ors.

.. Respondents

.....

Mr. A.S. Khandeparkar, Senior Counsel a/w Mr. Amogh K. Karandikar, Mr. Rushikesh G.Bhagat i/b Khandeparkar & Associates for the appellant

Ms. Ayodhya Patki i/b Maheshwar Parab for respondent nos. 1, 2, 3 and 5

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 19th JULY, 2023

P.C.

1. Learned Counsel for the appellant as well as the respondent nos. 1, 2, 3 and 5 are *ad idem* to remit the case to the Joint Charity Commissioner by setting aside the impugned order dated 9th March, 2020.

2. As such, the impugned order dated 9th March, 2020 passed by the Joint Charity Commissioner is quashed and set aside.
3. The matter is remitted back to the Joint Charity Commissioner to decide the application under Section 47 afresh by giving due opportunities to the parties and also by considering Clause (a), Sub-Section 3 of Section 47 of the Maharashtra Public Trust Act in view of the fact that a Will executed by the testator of which a reference has already been made in the impugned order.
4. The appeal is disposed of in the aforesaid terms with no order as to costs.
5. In view of the disposal of the appeal, pending application does not survive and the same is disposed of.

(PRITHVIRAJ K. CHAVAN, J.)