



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.12906 OF 2023
IN
WRIT PETITION NO. 5243 OF 2018

Navnath Ramchadra Deshmukh .. Applicant.

In the matter between
Anant V.Tare (since Deceased)
& Others .. Petitioners.
v/s.
Assistant Charity Commissioner-1, Pune
& Others .. Respondents

Rajesh Kachare with Mr. Ajit Tamhane with Mr. Amit Potnis and Gunjan Tamhane i/b. Tamhane & Co., for the Applicant/ Petitioners.

Mr. S. B. Kalel, AGP for the Respondent-State.

Mr. S. R. Paranjape, Addl. Prothonotary & Senior Master, present.

**CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ.**

DATE : 10TH OCTOBER, 2023.

PC. :

Heard.

2 This Court, by order dated 4th September, 2018 had expressed a view that rather than leaving the fate of the Trust to two warring groups, who have find it difficult to see eye-to-eye, it would be just and proper that the Board of Administrators is appointed till the Change Reports were finally decided by the learned Assistant Charity Commissioner. Accordingly, by further directions issued in paragraph 11 of the said order, this Court constituted Board of Administrators, consisting of – (1) Civil Judge, Junior Division, Maval as Chairman; (2) Assistant Charity Commissioner, Pune Region, Pune as Member; and (3) Tahsildar, Maval as Ex-officio Secretary.

3 These observations make it clear that the Board of Administrators have been appointed taking into consideration larger interest of the devotees and development of the Trust and to avoid the situation of conflict which might arise from the *inter se* disputes between two warring groups. This Court has also made it clear that such appointment of the Board of Administrators would be valid till Change Reports are finally decided by the Assistant Charity Commissioner.

4 It is the contention of the Applicants that now the Trustees have been duly elected and all the Change Reports have been finally decided by the learned Assistant Charity Commissioner. If this is so, the Board of Directors constituted by this Court under order dated 4th September, 2018 would be under a duty to hand over the charge to the newly elected Trustees, in terms of the change reports, provided that they have attained finality. Therefore, we direct the Board of Administrators to verify the factual position and follow the directions already issued by this Court in terms of paragraph 10 of order dated 4th September, 2018.

5 Accordingly, Application is disposed of.

6 The appropriate decision in this regard shall be taken by the Board of Administrators within a period of one week from the receipt of this order.

Parties to act on an authenticated copy of this order.

[FIRDOSH P POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]