

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 1110 OF 2022
WITH
INTERIM APPLICATION NO.20441 OF 2022

Harinderjit Singh Kohli And Ors. ... Appellants/Applicants
Versus
Baldev Singh Kalsi And Ors. ...Respondents

...

Mr. Ram Ugrah Singh a/w Mr. Ankur Jain, for Appellants/Applicants.
Mr. Amogh Singh a/w Mr. Rahul Arora, Mr. Aditya R. Khare for Respondent
No.2.

...

CORAM : SANDEEP V. MARNE, J.
DATE : OCTOBER 06, 2023.

P.C.:

1. The challenge in the present Appeal is to the order dated 25 November 2022 passed by the City Civil Court rejecting Notice of Motion No.3514 of 2022 filed by the Appellants-Plaintiffs seeking temporary injunction.

2. The suit is instituted by the Plaintiffs claiming to be the trustees of 'Master Tara Sing Foundation', a registered trust under the provisions of Maharashtra Public Trust Act, 1950. The reliefs are sought against Defendant Nos.1 & 2 on the ground that the Defendant Nos.1 & 2 have been occupying

the trust property comprising inter alia of schools without any authority. Interim injunction was sought against Defendant Nos.1 & 2 from interfering/disturbing and/or dispossessing and/or entering into the school premises. Interestingly in Paragraph 2 of the Plaint, Defendant Nos.1 and 2 are also described that trustees of the said trust.

3. Prima facie therefore it appears that the suit is in respect of management of the affairs of the trust and also there is a dispute as to which of the trustees are entitled to manage the trust. This dispute prima facie would fall outside the jurisdiction of the Civil Court under Section 18 of the Maharashtra Public Trust Act, 1950. The City Civil Court has rightly not granted any temporary injunction in favour of the Plaintiffs.

4. The Appeal being devoid merits, is dismissed without any order as to costs.

5. In view of disposal of Appeal, Interim Application does not survive and stands disposed of.

(SANDEEP V. MARNE, J.)