

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Second Appeal No.299 of 2021

AKOLA DISTRICT FOOTBALL ASSO., AKOLA THR. MR. WALI MOHAMMAD S/O ABDUL
AZIZ
VS
THE WESTERN INDIA FOOTBALL ASSO., THR. THEIR HON. SECRETARY, MUMBAI AND
OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.G. Sarda, Advocate for the Appellant

**CORAM : ANIL S. KILOR, J.
DATED : 03.02.2023**

1. The learned counsel for the appellant makes a statement that he has no instructions in the present appeal.
2. In this appeal, a challenge is raised to the judgment and decree dated 10.02.2020 passed by District Judge, Akola in Regular Civil Appeal No.90 of 2019, dismissing the appeal and confirming the order passed by the Joint Civil Judge Junior Division, Akola dated 07.08.2019 passed in Regular Civil Suit No.35 of 2019, holding that the suit was filed without permission from the Charity Commissioner as per Section 50 of the Maharashtra Public Trusts Act, 1950 (in short "MTP

Act”), therefore, a plaint is liable to be rejected as per Order VII Rule 11 (d) of the Code of Civil Procedure.

3. The present appeal was filed on 26.06.2020 and thereafter, no steps were taken for more than two and half years to get the matter listed before the Court and when today the matter is listed, the statement is made by the learned counsel for the appellant that he has no instructions in this case.

4. In the above backdrop, I have perused the record and the impugned judgment and order.

5. Admittedly, the defendant No.1 is a registered trust under the MTP Act and the suit is for declaration, permanent and mandatory injunction. The declaration to the effect that the resolution dated 21.07.2018 to disaffiliate the plaintiff Football Association and to appoint *ad hoc* committee vide letter dated 25.07.2018, is illegal and without jurisdiction.

6. It is clear from the said resolution that it was based on defendant’s powers within the ambit of its Article of Association and as per the provisions of the MTP Act. Moreover, the said resolution was passed at Mumbai and therefore, the question of territorial jurisdiction is also involved.

7. Thus, after going through the findings recorded by both the Courts-below, I do not find any error or perversity committed by both the Courts-below. Moreover, a liberty was granted by the learned lower Appellate Court to the plaintiff/appellant to apply for permission to institute a suit under Section 50 of the MTP Act against the defendant No.1.

8. In that view of the matter, as no substantial question of law involved in the second appeal, it is **dismissed**.

[ANIL S. KILOR, J.]