



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

975 WRIT PETITION NO. 9756 OF 2022

**MUKUND SHIVGIR GIRI AND ANOTHER
VERSUS
ACCHUT SITARAM PATHARKAR AND OTHERS**

...
Advocate for the petitioners : Adv.S.A.Wakure
Advocate for Respondent nos. 1 to 7 : Adv.A.D.Khot h/f.
Adv.Sartaj Pathan

...
CORAM : ARUN R. PEDNEKER, J.

DATE : 16.02.2024

P.C. :

1] The learned counsel for the respondents submits that appeal is maintainable against the impugned order dated 05.04.2022 passed by the Joint Charity Commissioner, Aurangabad in Appeal No.6/2021 before the High Court, so also, the appeal is maintainable before the Joint Charity Commissioner to challenge the impugned order dated 01.02.2020 passed by the Assistant Charity Commissioner.

2] In view of the objections raised by the learned counsel for the respondents that there is alternate remedy available to the petitioners, the learned counsel for the petitioners seeks leave to withdraw the present writ petition and file appeal, challenging the order dated 01.02.2020 passed by the Assistant Charity Commissioner, Parbhani in

Enquiry No. 692 of 2011 before the appropriate authority i.e. Joint Charity Commissioner, so also, to file appeal against the impugned order dated 05.04.2022 passed by the Joint Charity Commissioner.

3] In view of the same, the present Writ Petition is dismissed as withdrawn with aforesaid liberty.

4] The petitioners pray that the time spent in prosecuting the present Writ Petition be excluded in computing the period of limitation in filing the appeal challenging the aforesaid orders. If appeals are filed, the petitioners may file an appropriate application under Section 14 of the Limitation Act for excluding the period of limitation in prosecuting the present Writ Petitions. Liberty is granted to move an appropriate application.

5] In view of withdrawal of the present Writ Petition, pending Civil Application, if any, does not survive and the same stands disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC