



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

901 FIRST APPEAL NO. 2401 OF 2024
WITH
CA/10717 /2024

SWANAND CHITAMANI MAHARAJ AND ANR
VERSUS
BHALCHANDRA SIDDHA MAHARAJ AND ORS

...
Advocate for Appellants : Mr. Narwadkar Mrigesh D. and Mr.
Kulkarni Shripad S.
Advocate for Respondent No. 2 : Mr. Khot Abhinay D.

...

CORAM : KISHORE C. SANT, J.

DATE : 04.10.2024.

PER COURT :

1. This appeal arises against the interim order passed below Exh. 15 and 18, in an application bearing No. 12 of 2024, dated 30.09.2024, by the learned Joint Charity Commissioner, Nanded, Region Nanded.

2. The said impugned order below Exhs. 15 and 18 reads as under :

- “1. Both the applications are partly allowed.
2. The parties shall celebrate the Navratra Festivals as per the tradition and custom of the trust Math in peaceful manner without any dispute and without creating the question of law and order.
3. The parties should not pose themselves as trustees, members or office bearers of the trust in question while celebrating the said festival as per custom of the trust Math.
4. Original order be kept with Exh. 15 and copy of the same be kept with Exh. 18”.

3. The appellants have approached this Court in urgency as the Navratri Festival has started from 03.10.2024 and ends on 12.10.2024. An order is passed in the proceedings filed by the appellants under Section 41-E of the Maharashtra Public Trust Act, 1950 before the learned Joint Charati Commissioner, Nanded (for short “the JCC”), bearing Inquiry No. 12 of 2024, praying for the main relief of seeking restraining order against the respondents that the appellants alone have authority/right in the trust and trust properties. The further reliefs prayed for is restraining respondents from taking possession of the trust properties forcibly, for organizing the

events, performing the Navratri Festival and keeping idol in the the trust property and for other suitable orders.

4. This Court for the present need not go into the detailed factual aspects involved in the main proceedings. In the proceedings under Section 41E, the present appellants filed an application below Exh.18 and seeking permission to celebrate Navratri festival. The respondents also filed application Exh. 15 seeking directions to the appellants in respect of celebration.

5. The learned JCC, Nanded recorded that already there was an order passed on 06.09.2024 below Exh. 04, directing the parties to maintain status-quo and not to organize Ganesh Festival or any other festival in the trust property of the trust. Both the parties admitted that the Navratri Festival is being celebrated in the trust. The dispute is only as to by whom it is to be celebrated. It is further observed that an inquiry application is pending and final adjudication is yet to be made as regards the trust. The JCC, Nanded, therefore, passed an order allowing both the applications partly and directed the

parties to celebrate Navratri Festival peacefully in traditional and customary way without any dispute and creating any law and order situation. The parties are further directed not to pose themselves as the Trustees, Members or the Office Bearers of the trust in question in such celebration. The appellants have thus approached this Court.

6. It is the case of the appellants that since inception of the trust 1976 one Chintamani Maharaj who established the trust was looking after the trust and the affairs of the trust. He had donated property to his extent falling to his share to the trust. The said Chintamani Maharaj died in 1997. Thereafter, Smt. Padmatai wife of Chintamani Maharaj got the rights. The said Padmatai lateron adopted one Vijay Chandrashekhar Joshi as she was having only five daughters. She thereafter executed a document of declaration on 31.08.2021 stating that she alone is looking after the trust properties as a trustee. She declared that the entire property of the trust etc. will be looked after by son Swanand Chintamani Maharaj and daughter Vaishnavi wife of Swanand Maharaj. Thus, she nominated them as a successor of the said trust. It is thus, claimed that in view of this

declaration by Padmatai, the present appellants have got right and the respondents are not concerned with the affairs of the trust.

7. In the mean time, the proceedings are still going on between the parties. One Writ Petition was also filed bearing Writ Petition No. 10741 of 2022 by let Padmatai w/o Chintamani Maharaj, in which this Court had granted status-quo. The said Padmatai unfortunately died on 06.08.2024. The dispute is filed under Section 41E as stated earlier against the present respondents. Only the application came to be filed and the order is now passed.

8. For the present this Court need not go into the merits of the main proceedings to decide the rights of the parties. The respondents are stated to be step brothers of said Chintamani Maharaj. The present dispute is only as regards the order passed on 30.09.2024.

9. During the course of arguments, it is argued that the respondents had been to the trust properties with police force

and they are trying to take forcible possession of the trust premises and in the same way pooja was performed and organized by them. The respondents also alleges similar things against the appellants. At this stage it is not proper to record the findings as regards the possession of the trust properties etc. It is suffice to say that this Court does not find any illegality or perversity in the order passed by the learned JCC. It is made clear that no police force shall enter into the premises of the trust in the Navratri Festival. Both the parties to equally participate in the function of Navratri Festival. The Navratri Festival celebration shall subject to out come of Section 41E proceeding before the learned JCC. With this the appeal stands disposed off. Consequently pending Civil Applications if any, stand disposed off. No order as to the costs.

**(KISHORE C. SANT)
JUDGE**

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