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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1504 OF 2017**

Shri Dilip Ramrao Patil ... Petitioner

Vs.

Shri Najruddin Shamsuddin ... Respondent

Gavandi and Others

Mr. N. V. Bandiwadekar i/b. Mr. Sagar A. Mane for the Petitioner.

Mr. Aniket Phagrale i/b. Mr. Kiran Phakade for Respondent No. 10.

CORAM : GAURI GODSE, J.

DATE : 30th JANUARY 2024

P.C.

1. This petition is filed for challenging dismissal of the petitioner's appeal before the District Court, Kolhapur arising out of an order of injunction passed by the Deputy Charity Commissioner restraining the petitioner from holding meeting of respondent no.1's Trust - Gopaleshwar Shikshan Prasarak Mandal, Jakhale, Taluka Panhala, Kolhapur. The said Trust is not made a party respondent, however, respondent no. 10 is added as president of the said Trust.

2. So far as the said order of injunction passed by the Deputy Charity Commissioner is concerned, the same is passed in the proceedings arising out of the petitioner's tenure for the year 2004-2007 on the ground that the petitioner was not the office bearer of the said trust. Thereafter, the period of the then Managing Trustees is over. However, the learned senior counsel for the petitioner submits that in view of the said order the petitioner will never be allowed to hold a meeting even if he is elected as an officer bearer of the Trust after following due procedure.

3. Perusal of the record shows that, the order of injunction against the petitioner was passed in proceedings before the Deputy Charity Commissioner granting restraining order against the petitioner not to hold meeting of the Trust. Such restraining order cannot continue against the petitioner in perpetuity as the dispute was arising out of the petitioner's claim of being elected as a secretary for the tenure of 2004-2007.

4. The grounds of challenge in the petition are basically on the point that inspite of the earlier orders passed by this court, the appeal

preferred by the petitioner is erroneously rejected on the ground that the original order of injunction was not passed under section 41A of the Maharashtra Public Trust Act, 1950.

5. I do not see any reason to interfere with the impugned order at this stage as the injunction granted by the Deputy Charity Commissioner was on the basis of the case made out in the said application for the meetings to be held during the tenure of the then managing Trustees for the tenure of 2004-2007.

6. Hence, the petition can be disposed of by clarifying that the order of injunction passed by the Deputy Charity Commissioner on 17th August 2005 and confirmed on 24th March 2006 will not be an impediment for the petitioner, in the event the petitioner is elected as an office bearer of the said trust after following due procedure.

7. I am informed that the change reports concerning the period of 2005 are still pending before the Deputy Charity Commissioner, Kolhapur. It is therefore clarified that the pending change reports, shall be decided on its own merits, uninfluenced by this order.

8. In view of the aforesaid clarifications, the writ petition does not require any further adjudication.

9. Hence, with the aforesaid clarifications, Writ Petition stands disposed of.

[GAURI GODSE, J.]