

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.1903 OF 2023
IN
REVIEW PETITION NO.4 OF 2023
WITH
REVIEW PETITION NO.4 OF 2023
IN
FIRST APPEAL NO.1678 OF 2008**

Shivappa Dattatraya Sambhare (Deceased)
and others

...Applicants/
Appellants

Versus

Vasant Tipanna Patil (Since deceased) & ors.

...Respondents

**ALONG WITH
INTERIM APPLICATION NO.1973 OF 2023
IN
REVIEW PETITION NO.5 OF 2023
WITH
REVIEW PETITION NO.5 OF 2023
IN
FIRST APPEAL NO.1679 OF 2008**

Shivappa Dattatraya Sambhare (Deceased)
and others

...Applicants/
Appellants

Versus

Mahadeo Gopinath Hingmire (deceased) & ors.

...Respondents

Mr S R Ganbavale, for the Applicants/Appellants.

**Dr. Uday P Warunjikar i/by Mr Aditya P Kharkar, for Respondent
No.3 in IA No.1903 of 2023.**

**Dr. Uday P Warunjikar i/by Mr. Sumit Kate, for Respondent Nos.2,
3 and 5 in IA No.1973 of 2023.**

Mr D J Haldankar, AGP, for the Respondent – State.

CORAM M.S. Sonak,J.
DATED: 09th July 2024

COMMON PC:-
(IN CHAMBER)

1. Heard learned counsel for the parties.
2. Though these Petitions are styled as Review Petitions, in fact, these are the applications seeking clarification of the order dated 4th April 2017 disposing of Civil Application No.4449 of 2016 in First Appeal No. 1678 of 2008 and First Appeal Nos. 1678 of 2008 and 1679 of 2008. Since these are the applications for seeking clarification and not review petitions in the strict sense, there is no question of seeking condonation of delay.
3. Mr. Ganbavale, learned counsel for the Applicants/Appellants, submits that clarification is necessary given what transpired before the Charity Commissioner in Writ Petition No. 899 of 2019 and Writ Petition No.9301 of 2021. The order made in the Writ Petitions on 1st February 2023 is marked as Exhibit-E to these Review Petitions.
4. The order dated 4th April 2017 records that the challenge in the First Appeals was to the Impugned Order, which relates to the

Change Reports for the years 2002-2005. However, the learned counsel for the parties agreed that after 2005, there were fresh elections. Regarding the two fresh elections, Change Report Nos.242 of 2010 and 4 of 2014 had been filed by the Appellants before the Assistant Charity Commissioner.

5. Accordingly, it was directed that these two change reports be disposed of in accordance with law but without being influenced by any observations made in the Impugned Orders that were challenged in the Appeals.

6. Thus, the directions in the order dated 4th April 2017 were to dispose of Change Report No. 242 of 2010 and Change Report No.4 of 2014 without being influenced by observations made in the Impugned Order, which was the subject matter of challenge in the First Appeals.

7. With the above clarification, the Interim Applications and the Review Petitions are disposed of.

8. No costs.

(M.S. Sonak, J)