



6.caw.2309.2024 in wp.6337.2019.odt

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

**CIVIL APPLICATION (CAW) NO. 2309 OF 2024
IN
WRIT PETITION NO. 6337 OF 2019
(Jasulal Bansilal Dave V/s Sau. Gangabai Gangadhar Pandharpure & Ors.)**

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. P. D. Meghe, Advocate for Applicant.
Mr. A. J. Kadu, Advocate for Respondent Nos.4 to 6,
13, 15, 17, 19, 22, 24 & 25.
Mr. A. A. Madiwale, AGP for Respondent Nos.8 & 9.

CORAM : ANIL L. PANSARE, J.
DATE : OCTOBER 09, 2024.

CIVIL APPLICATION (CAW) NO. 2309 OF 2024

. By the present Application, Applicant – Rajendra Jasulal Dave, who is shown to be Vice President in the Change Report under question, is seeking to substitute his name as Petitioner, on the ground that the Secretary – Jasulal Bansilal Dave, representing the Petitioner – Trust has expired.

2. After heaving heard both the sides and having gone through the Application, it appears that in the Change Report bearing Enquiry No. 88/2009 the Applicant is shown as Trustee and Vice President. The then Secretary was prosecuting the Writ Petition. He has expired on 10/4/2023. The Change Report indicates that one Haribhau Rajeshwar Tangadpalliwar was elected as President. Despite such status, the Applicant, in the capacity of Vice President, has filed present Application seeking

permission to prosecute the Writ Petition. The Application is completely silent as to why, in absence of Secretary, President is not prosecuting the Petition.

3. It is well settled that usually the Vice President comes into picture when the President is either not available or is not in a position to discharge his duties. The Applicant does not disclose the inability of President to prosecute the Petition. That apart, the resolution, permitting the Applicant to prosecute the Petition, is also not annexed with the Application. It is, thus, not known as to how could the Applicant even file present Application. In other words, the Applicant failed to demonstrate his locus to file the Application. The Civil Application is accordingly rejected.

WRIT PETITION NO. 6337 OF 2019

. The Secretary of the Petitioner – Trust has expired. The learned Counsel for Petitioner shall take appropriate steps for prosecuting the Petition within a period of two weeks from today, failing which, the Writ Petition shall stand dismissed without further reference to this Court.

2. If the effective steps are taken within stipulated time, list the Petition on 24th October, 2024.

(ANIL L. PANSARE, J.)