



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

FIRST APPEAL NO. 2639 OF 2025 WITH
CIVIL APPLICATION NO. 10573 OF 2025
IN FA/2639/2025

Shivshankar Mallikarjun Bidve
& another

....Appellants

VERSUS

Adinath Baswantraop Sangve
& others

.....Respondents

Mr. R. N . Dhorde, Senior Advocate instructed by Mrs. V. R. Dhorde
and Mr. P. S. Dighe, Advocates for Appellants.
Mr. N. P. Patil Jamalpurkar, Advocate for Respondent No. 3.

CORAM : KISHORE C. SANT, J.

DATE : 1st DECEMBER, 2025.

PER COURT :

1. Heard learned Senior Counsel for the Appellants, and learned Advocate for Respondent No. 3.
2. Preliminary objection is raised by learned Advocate for Respondent No. 3. He submits that in view of Section 41E(5) of Bombay Public Trusts Act, it is only final order against which remedy of Appeal is provided. Present Appeal is filed challenging interim order passed by learned Joint Charity Commissioner, Latur Division, Latur in a proceeding under Section 41E. Since the main Application itself is pending, this Court need not entertain this Appeal.

3. Learned Senior Advocate submits that the Appeal is perfectly maintainable. He relies upon judgment reported in 2005(2) Mh.L.J. 430 in the case of Bomi Jal Mistry and others vs. Joint Charity Commissioner of Mumbai and others.

4. This Court finds that the Appeal itself can be disposed of with a direction to the learned Joint Charity Commissioner to decide the Inquiry Application No. 04/2025 as expeditiously as possible and preferably within a period of three months from today.

5. With these directions, the Appeal stands disposed of. Needless to state that all the points are kept open. This Court has not touched the merits of the Appeal.

6. Pending Application, if any, does not survive and stands disposed of.

(KISHORE C. SANT)
Judge

dyb