



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

53 FIRST APPEAL NO. 1498 OF 2025

SUMANBAI NARAYAN PURI AND ANR

VERSUS

**KHADKESHWAR SANSTHAN,
HATVAN THR ITS PRESIDENT
SHRIRANG SONAJI SHIRALE AND ORS**

.....
WITH

**CIVIL APPLICATION NO. 3508 OF 2025
IN FA/1498/2025**

.....
Advocate for the Appellants : Mrs. Pooja V.Langhe
Advocate for the Respondents : Mr.Sanjeev B.Deshpande Senior Counsel a/w.
Mrs.Priyanka Ashok Deshpande i/by Mr.Shreyas S.Deshpande

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CORAM : SHAILESH P. BRAHME, J.
DATE : 23rd JUNE 2025

PER COURT :

. Heard both sides.

2. This appeal is directed against order dated 06.11.2024 passed by Assistant Charity Commissioner, Chhatrapati Sambhajinagar granting temporary injunction against the appellants on application Exhibit No.24 filed by the respondents. Application Exhibit-13 and Exhibit-24 have not been decided on its own merits. It reveals from record that present appellants have filed say to application Exhibit-13.

3. This Court while issuing notices on the earlier occasions passed order of status quo and directed the Joint Charity Commissioner to decide the applications filed by the applicants for vacating the interim relief granted earlier below Exhibit-24. In pursuance of those orders, application Exhibit-30 preferred by the applicants for recalling order dated 06.11.2024 came to be decided on 03.04.2025 rejecting application Exhibit-30. In this backdrop both the counsels have advanced their submissions.

4. Learned counsel for the appellants would submit that respondents failed in earlier rounds of litigation in R.C.S No. 86 of 2011. Filing of Inquiry Application No.5 of 2024 is feeble attempt to cause the obstruction to the possession of the appellants. It is contended that appellants are in settled possession and they inherited their right from Babu, their predecessor in title. It is contended that not only suit was decreed but the counter claim of the Respondent nos.1 and 2 was rejected and no appeal was preferred against them. It is further contended that enquiry application is not tenable considering the relief claimed by the respondents by relying on the judgment of **Shaikh Husain Haji Abdul Rahim Patel deceased through his LR's Abdul Aziz Haji A Rehim and others vs. Mohammad Sarver Mohammad Husain** reported in 2007(4) Mh.L.J. It is submitted that Section 41E of Maharashtra Public Trusts Act can not be resorted to for soliciting the relief of injunction. It is further contended that if the order of status quo is vacated then there is every apprehension of losing the possession of the appellants.

5. Learned Senior counsel Mr.Deshpande would submit that the present proceedings are premature. Order passed on 03.04.2025 rejecting application Exhibit-30 has not been challenged by the appellants. It is contended that vague order of status-quo was solicited which would create confusion. He would further submit that property in dispute is a registered trust property as per Schedule-I and appellants can have no right, title or interest in the same.

6. After having considered rival submission of the parties, undisputedly application Exhibit-13 and Exhibit-24 for interim prayers are yet to be decided. Appellants have filed say to application Exhibit-13. The contentious issue raised by the parties would be kept open for the adjudication by the Joint Charity Commissioner. It would be open to the petitioners to agitate upon maintainability of application filed under Section 41(E) as well as the repercussions of the decisions arrived at in civil court.

7. This Court had directed the parties to maintain status-quo vide judgment and order dated 28.03.2025. Considering the prayers of Inquiry Application No.5 of 2024, I do not find that there can be any difficulty in construing the order of status-quo. I find it fit to continue the order of status-quo till the decision of application Exhibit-13 and and Exhibit-24.

8. First appeal is disposed of with a direction to Joint Charity

Commissioner to decide application Exhibit-13 and Exhibit-24 within period of three (03) weeks on their own merits. This Court has not expressed any view on the merits of the matter.

9. Civil application stands disposed of.

[SHAILESH P BRAHME, J.]

vsj..