



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

905 CIVIL APPLICATION NO. 3507 OF 2025
IN FAST/9205/2025

WITH
CIVIL APPLICATION NO. 3508 OF 2025
IN FAST/9205/2025

SUMANBAI NARAYAN PURI AND ANR
VERSUS
KHADKESHWAR SANSTHAN, HATVAN THR ITS PRESIDENT SHRIRANG SONAJI
SHIRALE AND ORS

...
Advocate for Applicants : Mrs. Pooja V. Langhe
...

CORAM : S. G. CHAPALGAONKAR, J.
Dated : 28.03.2025

PER COURT :-

ORDER IN DELAY CONDONATION APPLICATION :

1. Heard. Issue notice to respondents, returnable on 09.05.2025.
2. In addition to Court service, applicants shall serve respondents by way of private mode of service as is permissible under law and file affidavit of service to that effect by next date.

ORDER IN STAY APPLICATION :

3. Heard Mrs. Pooja Langhe, learned Advocate appearing for applicants. She submits that in Regular Civil Suit No. 86 of 2011 a decree for perpetual injunction has been passed in respect of suit property i.e. land Gut No. 148 to the extent of 5 A 41 R situated at Village at Hatwan, Taluka & District Jalna. The said decree has attained finality. One Ambadas Nanabhau Shirale and Shrirang Sonaji Shirale were defendants in that suit. She would further submits that after loosing battle before Civil Court an inquiry application bearing No. JCC No. 5 of 2024 is filed on behalf of Khadkeshwar Sansthan, Hatwan, Taluka and District Jalna through President Shrirang Shirele and Others claiming relief against defendants (present applicants) that they shall not interfere in possession of suit property which is trust. She would submit that

applicants are in possession of suit properties and respondents are taking disadvantage of impugned order. Now an attempt is made to dis-possess applicants. She would further submit that present applicants have already appeared before Joint Charity Commissioner in an Inquiry application bearing No. 5 of 2024 and filed application for vacating interim relief under Order XXXIX Rule 4 of Code of Civil Procedure. Said application is pending since 05.12.2024 and no orders are passed still this date. In that view of the matter following order :

ORDER

1. Issue notice to respondents, returnable on 09.05.2025.
2. Till returnable date parties to maintain status-quo as regards suit properties as on today.
3. Meanwhile, learned Joint Charity Commissioner, Aurangabad shall endeavour to decide application filed by applicants for vacating interim relief granted vide order below Exh. 24.
4. Parties to co-operate.
5. Authenticated copy of this order be provided to the parties.

(S. G. CHAPALGAONKAR)
JUDGE

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