



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO.227 OF 2025

Dilip Sopan Abhang

... Appellant.

Versus

Hanmant Krishna Narute and Ors.

... Respondents.

WITH

FIRST APPEAL NO.226 OF 2025

Shankar Tukaram Abhang

... Appellant.

Versus

Hanmant Krishna Narute and Ors.

... Respondents.

WITH

FIRST APPEAL NO.229 OF 2025

Raghunath Vithoba Nale

... Appellant.

Versus

Hanmant Krishna Narute and Ors.

... Respondents.

WITH

FIRST APPEAL NO.230 OF 2025

Dadaso Shankarrao Burungale

... Appellant.

Versus

Hanmant Krishna Narute and Ors.

... Respondents.

WITH

FIRST APPEAL NO.231 OF 2025

Sahdev Ganpatrao Shende

... Appellant.

Versus

Hanmant Krishna Narute and Ors.

... Respondents.

WITH
FIRST APPEAL NO.228 OF 2025

Rajendra Tukaram Shende	... Appellant.
<u>Versus</u>	
Hanmant Krishna Narute and Ors.	... Respondents.

WITH
FIRST APPEAL NO.232 OF 2025

Hari Namdev Shende	... Appellant.
<u>Versus</u>	
Hanmant Krishna Narute and Ors.	... Respondents.

Mr. Drupad S. Patil i/by Namitkumar S. Pansare for the Appellant.
Mr. Anup Kamble i/by Mr. G.B. Gavai for Respondent Nos.1 to 5, 7, 9 and 10.
Mr. Sohan Gunjal for Respondent Nos.6, 8, 11 to 16, 18 and 19.

Coram : Sharmila U. Deshmukh, J.

Date : January 31, 2025

P. C. :

1. These group of First Appeals challenge the judgment of 30th January, 2024 passed by the Joint Charity Commissioner in Applications filed under Section 47 of the Maharashtra Public Trusts Act, 1950 (for short, "**Trusts Act**") for appointment of Trustees. The grounds which were raised in the Appeal memo primarily objected to the selection of the Respondents as Trustees, as according to the learned counsel for the Appellant, the factors which were contemplated under Sub-Section (3) of Section 47 of the Trusts Act were not considered by the Charity Commissioner

while appointing the Respondents as Trustees of “Mahatma Phule Education Society, Vidni”. To demonstrate the same, learned counsel for the Appellant had tendered a convenience compilation containing a chart of grading given by the Charity Commissioner and would submit that the order does not reflect as to why the 11 Trustees, who have been appointed, were given preference over the present Appellants as similar grading has been given to all of them.

2. Perusal of the Judgment of 30th January, 2024 would indicate that the appointment of the Respondents as Trustees was for a period of one year which expired on 30th January, 2025. Mr.Patil would fairly concede that the tenure has expired. However, his grievance is that before the expiry of the period of one year, the Trustees held General Body Meeting on 28th January, 2025 without the members being present and have appointed themselves as Trustees, with the exception of one person.

3. Considering that the challenge in the present Appeals was to the order appointing the Appellants for a period of one year, which one year has now expired, and, that the subsequent appointment will now have to be challenged before the Charity Commissioner under the provisions of Trusts Act, upon a query by this Court as to whether anything survives in the Appeals for consideration, learned counsel for the Appellants submits that an appropriate challenge

will be raised to the appointment of the Trustees as per the alleged General Body Meeting held on 28th January, 2025. He would however submit that there is possibility that the withdrawal of the present First Appeals would prejudice the adjudication of the basic contention that the Trustees themselves could not have been appointed by the Judgment of 30th January, 2024.

4. As the impugned Judgment appointed the Trustees for a period of one year, which one year has come to an end, and it is subsequent action of the Trustees in reappointing them as Trustees which will have to be challenged, the First Appeals can be disposed of with liberty to the Appellants to challenge the subsequent re-election of the Trustees as Trustees of the Trust. It is made clear that it is open for the Appellants to raise the contention as regards the election of the Trustees itself being not in consonance with the law on the grounds which are raised in the memo of First Appeals. All rights and contentions in that regard of both the parties are expressly kept open.

5. These First Appeals stand disposed of in the above terms.

6. In view of dismissal of First Appeals, pending Civil/Interim Applications, if any, do not survive for consideration and the same stands disposed of.

[Sharmila U. Deshmukh, J.]