

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 1845 OF 2024

Ghanshyam @ Ganesh Sitaram Kurdhondkar ...Appellant

Versus

Shri. Datta Mandir Va Math through President and
Secretary and Others ...Respondents.

*Mr. P. D. Dalvi, Ms. Priya Dalvi i/b Mr. Vaibhav Ugle for Appellant.
Mr. Yuvraj Narvankar for Respondent.*

Coram : Sharmila U. Deshmukh, J.

Date : 20th March, 2025.

P. C. :

1. The present First Appeal challenges the judgment and order dated 21st August, 2023 passed by the Joint Charity Commissioner deciding the Application filed under Section 41E of the Maharashtra Public Trusts Act, 1950 resulting in following order:-

OPERATIVE ORDER

1. Application No. 13/2022 u/s. 41 E is partly allowed.
2. The respondent or anybody on behalf of him is hereby temporarily restrained from causing loss, damage to the trust property by collecting donations, fees. Abhishek and offerings offered by the devotee in front of the deity of Shri. Datta Mandir Va Math.
3. The respondent is also restrained from causing loss or damaged to the trust property by unauthorizedly staying in it.
4. No order as to costs.

5. The entry be taken on Schedule-1.
6. Proceeding closed.

2. Mr. Dalvi, learned counsel appearing for Appellant submits that his grievance is restricted to Clause No. 3 of impugned order as the same amounts to evicting Appellant without adopting due process of law. He submits that he accepts the directions which are contained in Clause No. 2.

3. During the hearing, upon query by this Court, Mr. Narvankar, learned counsel appearing for Respondent, on instructions, submits that Clause No. 3 of the impugned order be quashed and set aside with liberty to Respondent to adopt appropriate proceedings in appropriate Court of law for evicting Appellant from the said property which according to him is Trust Property and Appellant is residing unauthorizedly in the Trust Property.

4. In light of the consensus which is arrived at between the parties, the First Appeal stands disposed of as under :-

- (i) Clause No. 3 of the impugned judgment dated 21st August, 2023 is hereby quashed and set aside with liberty to Respondent-Trust to adopt appropriate proceedings in competent forum for the purpose of evicting present Appellant from the said Trust Property.
- (ii) All rights and contentions of all the parties are expressly

kept open in that regard.

(iii) First Appeal stands disposed of in the above terms.

5. In view of above, nothing survives for consideration in pending Interim/Civil Applications, if any, and the same stand disposed of.

[Sharmila U. Deshmukh, J.]