

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2050 OF 2025

VAIBHAV
RAMESH
JADHAV
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Peersaheb Devasthan Trust & Ors. ... Petitioners

V/s.

Peersaheb Utsav Committee & Ors. ... Respondents

Mr. Ganesh Bhujbal for the petitioners.

Mr. S. B. Talekar with Madhavi Ayyapan i/by Talekar & Associates for respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 13, 2025

P.C.:

1. The Joint Charity Commissioner, Pune Region, Pune, in an appeal under Section 70 of the Maharashtra Public Trusts Act, 1950, considered the application for a stay of the impugned order; however, in a departure from the prescribed procedure, an injunction was granted. It is my considered view that such a course is not tenable under the existing legal framework. If the appellants desire injunctive relief, they are at liberty to file a specific application for such relief, and upon the filing thereof, the Joint Charity Commissioner, Pune Region, Pune, shall duly consider and decide the application for injunction in strict accordance with law and the procedural requirements governing such relief. In view of the foregoing, the impugned order awarding an injunction cannot be sustained.

2. In light of the deficiencies identified in the manner of its issuance, the impugned order dated 7 February 2025, passed by the Joint Charity Commissioner, Pune Region, Pune, is hereby quashed and set aside.
3. Notwithstanding the foregoing, it is directed that, should the appellants avail themselves of their right to seek injunctive relief by filing an application, the Joint Charity Commissioner, Pune Region, Pune, shall expeditiously decide such application on its merits and in accordance with the law, and shall render a decision on or before 17 February 2025.
4. It is further ordered that all contentions of the parties, including those not specifically adjudicated herein, are hereby kept open for further argument and will be duly considered by the Joint Charity Commissioner.
5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)