

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8873 OF 2025  
IN  
FIRST APPEAL (ST) NO. 16043 OF 2025

Shree Nageshwar Maharaj Va Ithar Dev  
Devdvasthan Trust, Pune (through Trustees and ...Applicants  
Office Bearers and Ors.)

**Versus**

Shri. Prakash Hiranman Borate And Ors. ...Respondents

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Mr. Yuvraj Narvankar i/b Neha Wadekar for the Applicants.  
Ms. Shivali Tikate i/b M/s. Talekar and Asso for Respondent Nos. 4 and  
5.

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**CORAM : M.M. SATHAYE, J.**  
**DATE : 11<sup>th</sup> JULY, 2025**

**P.C. :**

1. Heard learned Counsel for the Applicants/Appellants.
2. The application is urgently moved by the Trust Administration seeking stay to the impugned order dated 25.03.2025, by which the Joint Charity Commissioner, Pune Region, Pune has appointed an Inspector as caretaker to look after statutory financial transactions regarding the Administration of Trust.
3. Learned Counsel for the Applicants pointed out that the impugned order is passed in an application filed under Section 41E of the Maharashtra Public Trusts Act, 1950 filed at the instance of two applicants (one being member of the Trust and other being Ex-Joint

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Secretary/Trustee of the Trust).

4. Perused the impugned order and the provisions of Section 41E of the said Act.

5. *Prima facie* there is no discussion about the Trust property being in danger or being wasted, damaged or improperly alienated or about any threat or intention to remove or dispose of Trust property. Without any such conclusion as required under section 41E of the said Act, the impugned order seems to have been passed.

6. Issue notice to the Respondents, returnable on 08.08.2025.

7. Learned Counsel for Respondent Nos. 2 and 3 waives service.

8. Till next date, there will be ad-interim stay to the impugned order dated 25.03.2025 passed in Application No. 24 of 2024.

**(M.M. SATHAYE, J.)**