



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1831 OF 2023.

WITH

WRIT PETITION NO. 6930 OF 2019.

Ms. Chandra R Matta & Ors.

...Petitioners.

Versus

The Joint Charity
Commissioner, Mumbai & Ors.

...Respondents.

Ms. Sonal a/w, Chaitali Bhogle, Satish Chettiyar, Niliesh Sawant i/by Sagar Kasar for the Petitioner.

Sr. Adv. Neeta Karnik i/by Dharendra Sinha for Respondent No. 2 (In WP/6930/2019)

Mr. Dharendra Sinha for Respondent No. 4. (In WP/6930/2019)

Mr. Bhushan Deshmukh i/by J. Law Associate for Respondent No. 5 & 9 (In WP/6930/2019)

Ms. Neeta Karnik Senior Counsel i/by Shaikh Nasir Masib for Respondent Nos. 2 & 4.

Mr. Mihir Desai Senior Counsel a/w Mr. Bhushan Deshmukh for the Respondent No. 5,6 to 8,9,12,13 in WP1831/2023.

Ms. Savita Prabhune, AGP for Respondent-State.

Mr. Deepak Inder Ahuja Respondent No. 3 present party-in-person.

Coram : Sharmila U. Deshmukh, J.

Date : October 3, 2024.

P. C. :

1. A preliminary objection has been raised as regards the maintainability of the Petition in view of sub Section 5 of Section 41E, of the Maharashtra Public Trust Act.

2. Ms. Sonal, learned Counsel appearing for the Petitioner would point out the order dated 19th March 2024, passed by this Court



noting the submissions of the parties and thereafter admitting the Petition. She would therefore submit that as the parties were heard extensively on the preliminary objection as to maintainability and thereafter this Court had recorded that the Petition would require consideration and has admitted the Petition which makes it evident that the preliminary objections have been rejected.

3. *Per contra* Ms. Karnik and Mr. Desai learned Senior Counsels appearing for some of the Respondents would submit that the order of 19th March 2024, though notes the preliminary objections, there are no finding on the same and mere admission of the Petitions would not amount to rejection of the preliminary objections. They seek time to place on record authorities in support of their contention.

4. At their request, stand over to **10th October, 2024.**

[Sharmila U. Deshmukh, J.]