

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 18119 OF 2022
IN
FIRST APPEAL NO. 723 OF 2015
WITH
CROSS OBJECTION (ST) NO. 26511 OF 2015
IN
FIRST APPEAL NO. 723 OF 2015
WITH
CROSS OBJECTION (ST) NO. 33191 OF 2015
IN
FIRST APPEAL NO. 723 OF 2015
WITH
CROSS OBJECTION (ST) NO. 33308 OF 2015
IN
FIRST APPEAL NO. 723 OF 2015**

Karmaveer Kakasaheb Wagh Education Society & ...Applicants
Ors

In the matter between

Karmaveer Kakasaheb Wagh Education Society & ...Appellants
Ors

Versus

Heerabai Hansraj Surjee Trust & Ors ...Respondents

Mr Prafulla Shah, i/b Kayval P Shah, for the Applicant.

Mr AR Patil, AGP, for the State.

Mr Haridas R Madhukar, for Respondents Nos. 1 to 4.

Mr MM Sathaye, for Respondent No. 6.

Mr RD Soni, i/b Ram & Co, for Respondents Nos. 8 to 14 & 16 to 20.

**CORAM G.S. Patel &
Gauri Godse, JJ.**

DATED: 20th September 2022

PC:-

1. After some arguments, Mr Shah seeks leave to withdraw the Interim Application with liberty to pursue the Charity Application No. 5 of 2017 filed before the City Civil Court. Leave granted with liberty as prayed. It is clarified that the order of the learned Single Judge at page 171 and dated 2nd February 2022 will not come in the way of the Applicant pursuing the Charity Application before the City Civil Court.

2. We clarify that we have not assessed the rival contentions on merits.

3. The Interim Applications are disposed of as infructuous.

4. List the First Appeal on 23rd November 2022 at 2.30 pm for hearing.

(Gauri Godse, J)

(G. S. Patel, J)