

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO.6071 OF 2026
IN
SUIT (L) NO.6069 OF 2026

Rajesh Mehta .. Applicant
IN THE MATTER BETWEEN:
Rajesh Mehta .. Plaintiff
Versus
Prakash Mehta and Ors. .. Defendants

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- Mr. Venkatesh Dhond, Senior Advocate a/w. Mr. John Joel Carlos, Mr. Adity N. Raut, Advocates i/by Desai Desai Carrimjee & Mulla and Plaintiff.

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CORAM : MILIND N. JADHAV, J.
DATE : FEBRUARY 18, 2026

P.C.:

- 1.** Not on Board. Mentioned by way of filing praecipe dated 18.02.2026. Perused the praecipe.
- 2.** Heard Mr. Dhond, learned Senior Advocate for Plaintiff.
- 3.** Urgent intervention of the Court is sought. Suit is filed today morning in view of two resolutions passed by the Defendants dated 16.01.2026 and 16.02.2026, *inter alia*, removing Plaintiff as a Trustee of Trust known as Lilavati Kirtilal Mehta Medical Trust a public charitable Trust registered under the Maharashtra Public Trusts Act, 1950.
- 4.** Mr. Dhond at the outset draws my attention to the Trust

Deed appended at page No.28 and relevant clause at page No.44 concerned with removal / termination of permanent Trustee. He would contend that Plaintiff is a permanent Trustee of the Trust and therefore the abrupt decision of passing resolution dated 16.02.2026 is not only contrary to law since it defies principles of natural justice as also it is contrary to terms of the Trust Deed as enumerated in the Trust Deed.

5. He would submit that admittedly there is no notice issued to the Plaintiff, no cause of action shown for his removal, that Trust has not heard the Plaintiff and despite Plaintiff being a permanent Trustee he was not put to knowledge about the alleged twin Resolutions dated 16.01.2026 and 16.02.2026 which are mandatorily required to be circulated to all the Trustees much less permanent Trustees if they had to be effected in accordance with law.

6. He would make one significant point and i.e. the remaining Trustees cannot come together and remove a permanent Trustee that too without any cause of action. He apprehends that in view of the Resolution dated 16.02.2026 being passed merely two days ago, there is every possibility that the Trust will act *malafidely* and approach the Charity Commissioner with a change report to that effect.

7. Hence he would submit that the Trust should be precluded from precipitating and proceeding with in furtherance of the alleged

Resolution of removal of Plaintiff in view of the aforesaid strong facts and the ground pleaded in the Interim Application which are not in consonance with law as also terms of the Trust itself. He would fairly inform that power to remove or sustain a permanent Trustee would ultimately lie only with the Charity Commissioner after following the due process of law and not otherwise.

8. In that view of the matter, an arguable case has been made out by Mr. Dhond for issuance of notice to Defendants as also to pass urgent ad-interim relief in order to ensure that substantive right of the Plaintiff is not trampled with irreversibly.

9. In view of the above issue notice to Defendants.

10. Humdast permitted. In addition to Court's notice, Plaintiff is directed to serve the Defendants a copy of praecipe dated 18.02.2026, three Interim Application and Suit plaint forthwith and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof.

11. Defendants are directed to take cognizance of this order and accordingly file their Affidavit-in-Reply.

12. Defendants are directed to remain present and apprise the Court of any action in furtherance of the twin Resolutions that they would take so as to thereafter hear both the parties and pass

appropriate orders.

13. In the meanwhile, any further steps taken by Defendants in furtherance of the twin Resolutions shall be subject to the orders passed in the Interim Application by this Court which shall be noted by Defendants.

14. Stand over to **25th February 2026**. To be placed under the caption '**For Directions**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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