

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10903/2008

(From the judgement and order dated 05/03/2008 in WP
No.5485/2007 of the HIGH COURT OF BOMBAY AT NAGPUR)

GUNWANT Petitioner(s)

VERSUS

ASST.CHARITY COMMISSIONER,NAGPUR & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 30/08/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. Aparajit N.,Adv.
Mr. Sunil Kumar Verma,Adv.

For Respondent(s) Mr. Uday B. Dube,Adv.
Mr. Sachin J. Patil,Adv.
Ms. Chandana Ramamurthi,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The authority concerned is directed to hold
elections after due compliance of the entire procedure,
within six months from the date of communication of this
order and the appeal is disposed of in terms of the
signed order. No costs.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7317 OF 2010
(Arising out of SLP(C) No.10903/2008)

GUNWANT Appellant(s)

:VERSUS:

ASSISTANT CHARITY COMMISSIONER, NAGPUR
AND ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. The appellant, who is a member and a former trustee of Bhishnur Gram Vikas Sanstha, Bhishnur, Tehsil Narkhet, District Nagpur, Maharashtra, filed an application before the Assistant Charity Commissioner, Nagpur, under Section 41-A of the Bombay Public Trusts Act, 1950, to direct respondent No.2 to hold fresh election to said Bhishnur Gram Vikas Sanstha. The Assistant Charity Commissioner by its order dated 31.7.2007 rejected the said application.

3. The appellant thereafter filed a writ petition before the Nagpur Bench of the Bombay High Court for setting aside the order passed by the Assistant Charity Commissioner. By the impugned order, the High Court held

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that the appellant failed to demonstrate any of the contingencies mentioned under Section 41-A of the Bombay Public Trusts Act and dismissed the writ petition filed by the appellant. The appellant aggrieved by the judgment of the Bombay High Court preferred this appeal.

4. We have heard the learned counsel for the parties.

5. Learned counsel appearing on behalf of the appellant submits that elections to the Bhishnur Gram Vikas Sanstha, Bhishnur were held in the year 1998 which was for a period of three years and no election to the said Sanstha has taken place after 1998.

6. In the peculiar facts and circumstances of this case, in the interest of justice, we direct the authority concerned to hold elections, after due compliance of the entire procedure, within six months from the date of communication of this order.

7. This appeal is disposed of accordingly. No costs.

.....J
(DALVEER BHANDARI)

.....J
(DEEPAK VERMA)

New Delhi;
August 30, 2010.