

R E V I S E D

ITEM NO.31 Court 6 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 21738/2019

(Arising out of impugned final judgment and order dated 20-06-2019 in WP No. 6798/2019 passed by the High Court of Judicature at Bombay)

KALI G. SHROFF Petitioner(s)

VERSUS

FEROZE CAWAS TITINA & ORS. Respondent(s)

(Letter received from Office of the Charity Commissioner Maharashtra, IA No. 158978/2019 - STAY APPLICATION)

Date : 26-07-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE ANIRUDDHA BOSEFor Petitioner(s) Mr. Shikhil Suri, Adv.
Mrs. Madhu Suri, Adv.
Mr. T. R. B. Sivakumar, AOR
Mr. Jamsheed, Adv.

For Respondent(s) Mr. Gaurav Agrawal, AOR

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

The petitioner filed an application for adjourning the proceedings of the eviction suit till a decision was taken by the Deputy Charity Commissioner. The Trial Court dismissed the said application on 14.12.2018. Application filed for recall by the Petitioner was rejected by the Trial Court on 16.04.2019. The petitioner approached the High Court by way of a writ petition challenging the aforesaid orders of the Trial Court, which was

dismissed.

On 29.11.2019, this Court refused to stay the judgment of the High Court. However, the Deputy Charity Commissioner, Greater Mumbai was directed to dispose of Suo Moto Enquiry No.1 of 2018 within a period of eight weeks.

We are informed by the learned counsel for the petitioner that the Deputy Charity Commissioner has passed the final order on 27.01.2020. This order is subject matter of the writ petition filed by the petitioner which is pending in the High Court. The petitioner has brought to our notice, by filing additional affidavit on 06.03.2021, that the Deputy Charity Commissioner gave an undertaking in the ongoing proceedings that they will not act on the order dated 27.10.2020 till further orders are passed by the High Court.

We have perused the order passed by the High Court on 05.03.2020 whereby the matter was adjourned after recording the statement made by the Deputy Charity Commissioner.

In view of the order passed by the Deputy Charity Commissioner, the lis in this case does not survive. The petitioner is given liberty to avail remedies available under the law.

This special leave petition is dismissed as infructuous.

(SWETA BALODI)
COURT MASTER (SH)

(ANAND PRAKASH)
BRANCH OFFICER

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