

ITEM NO.7

COURT NO.7

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).28982-28983/2016

(Arising out of impugned final judgment and order dated 16/02/2016 in FA No. 2473/2015, 31/08/2016 in MCA No. 2386/2016 in FA No. 2473/2015 passed by the High Court of Gujarat at Ahmedabad)

RAVAL MANHARBHAI KALIDAS AND ORS.

PETITIONER(S)

VERSUS

BHASKARBHAI CHANDUBHAI PATEL AND ORS.

RESPONDENT(S)

(With interim relief and office report) (For Final Disposal)

WITH

SLP(C) No. 31219-31220/2016 (With office report)

Date : 21/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. V. Giri, Sr. Adv.
Mr. Pradhuman Gohil, Adv.
Mr. Vikash Singh, Adv.
Ms. Taruna Singh Gohil, Adv.
Mr. Himanshu Chaubey, Adv.

For Respondent(s) Mr. Guru Krishna Kumar, Sr. Adv.
Mr. M.I. Marchant, Adv.
Mr. Nandlal Kumar Mishra, Adv.
Ms. Sunita Yadav, Adv.
Mr. Kaushal Yadav, Adv.

Mr. Nachiketa Joshi, Adv.
Mr. Ritwiz Rishabh, Adv.
Mrs. Sucheta Joshi, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.
Ms. Puja Singh, Adv.

Mr. Alok Bhachawat, Adv.
Ms. Tavishi Chandra, Adv.
Ms. K.V. Bharathi Upadhyaya, Adv.

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

Leave granted.

The appeals are dismissed in terms of the signed judgment.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed 'Non-Reportable" Judgment is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.4355-4356 OF 2017
[@ SPECIAL LEAVE PETITION (C) NOS.28982-28983/2016]

RAVAL MANHARBHAI KALIDAS AND ORS. APPELLANT(S)

VERSUS

BHASKARBHAI CHANDUBHAI PATEL AND ORS. RESPONDENT(S)

WITH
CIVIL APPEAL NOS.4357-4358 OF 2017
[@ SPECIAL LEAVE PETITION (C) NOS.31219-31220/2016]

J U D G M E N T

KURIAN, J.

Leave granted.

2. The main objection taken by the appellants is that while the High Court modified the Scheme, the affected parties were not heard; only the counsel who appeared for some of the parties in the High Court were heard. In that view of the matter, on 21.02.2017, this Court passed the following order:-

"Having heard Mr. V. Giri, learned senior counsel, we find that a public notice

under Order I Rule 8 CPC should have been issued in case the High Court wanted to modify the scheme, as framed by the Joint Charity Commissioner. It is the submission of Mr. V. Giri, learned senior counsel, which is vehemently refuted by Mr. Guru Krishna Kumar, learned senior counsel, that the orders on modification of the scheme have actually been passed on consent of the parties, who appeared before the High Court.

Be that as it may, having regard to the major changes effected by the High Court in the scheme formulated by Joint Charity Commissioner, we are of the view that a public notice should have been issued.

However, we do not propose to send the matter back to the High Court. We direct the petitioners to issue a public notice, at their expense, within three days from today, giving time of 10 days to the villagers to respond.

Let the notice be published in two Gujarati newspapers viz. 'Gujarat Samachar' and 'Sandesh', which have wide circulation in Vasad village, District Anand, Gujarat.

It shall be made clear in the public notice that whoever wants to respond to the notice shall have to respond within 10 days from the date of publication of notice.

Post the matters on 21.03.2017 for further orders, as first item for final

disposal."

3. Pursuant to the order and publication, none has appeared before this Court raising any objection. We are informed that some objections have been filed before the Charity Commissioner but nobody has filed any objections before this Court, where the matter is pending.

4. Even otherwise also, we are not inclined to interfere with the judgment and order passed by the High Court. All those objections have been considered by the High Court and only in the better interests of the Trust, the modifications have been effected. The appeals are hence dismissed. Interim stay granted by this Court, on 26.09.2016, is vacated.

5. In view of the pendency of these matters before this Court, in case any of the villagers intend to enroll themselves, they may do so as per the judgment of the High Court on or before 10.04.2017 and the elections will be held within four weeks thereafter, in terms of the judgment of the High Court. Needless also to say that the interim arrangement made by the High Court will continue till the election process is completed.

6. Pending applications, if any, shall stand disposed of.

7. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
MARCH 21, 2017.