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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17461 OF 2025

Niket V. Mehta

... Petitioner

V/s.

Charu K. Mehta & Ors.

... Respondents

WITH
INTERIM APPLICATION NO.5422 OF 2026
WITH
INTERIM APPLICATION NO.5435 OF 2026
WITH
INTERIM APPLICATION NO.5436 OF 2026
WITH
INTERIM APPLICATION NO.5590 OF 2026
WITH
INTERIM APPLICATION NO.7121 OF 2026
WITH
INTERIM APPLICATION NO.7156 OF 2026
WITH
INTERIM APPLICATION NO.5572 OF 2026
WITH
INTERIM APPLICATION NO.5406 OF 2026
WITH
INTERIM APPLICATION NO.5409 OF 2026
WITH
INTERIM APPLICATION NO.5417 OF 2026

Mr. A.R. Pai a/w. Adv. Avadhut V. Patil, Adv. Sanika Gawade for the Petitioner.

Mr. Aspi Chinoy, Senior Advocate a/w. Adv. Dakshesh Vyas, Adv. Abhishek Prabhu Adv. Sankalpita Mullick, Adv. Jyoti Ghag, Adv. Tarun Mehra, Adv. Ankit Singhal i/by Dua Associates for Respondent No.1 and for Applicant in IA/5572/2026.

Mr. Ragherth Basant a/w. Adv. Aditya N. Raut, Adv. Utsav Trivedi, Adv. Richa P. i/by Desai Desai Carrinjee & Mulla LLP for Respondent No.3.

Mr. Ashish Kamat, Senior Advocate a/w. Adv. Rashmin Khandekar, Adv. Dikshat Mehra, Adv. Devesh Juvekar, Adv. Mithilesh Chalke, Adv. Honey C., Adv. Rima Desai, Adv. Minal C., Adv. Monish Bhatia i/by Rajani Associates for Respondent No.4 and for Applicant in IA/5590/2026.

Mr. Gaurav Joshi, Senior Advocate a/w. Adv. Piyush Raheja, Adv. Ameet Naik, Adv. Madhu Gadodia, Adv. Vivek Dwivedi, Adv. Vinita Dandekar, Adv. Aryan Garg i/by Naik Naik & Co, for Respondent No.2 and for Applicant in IA/7121/2026.

Mr. Rishikesh Soni a/w. Adv. Chanakya Keswani, Adv. Tanmay Bhawe, Adv. Minhas Joshi, Adv. Aditi Singh i/by Economic Laws Practice for the Applicant in IA/5422/2026, IA/5435/2026, IA/5436/2026.

Mr. Mayur Khandeparkar (VC) a/w. Adv. Chanakya Keswani, Adv. Tanmay Bhawe, Adv. Minhas Joshi, Adv. Aditi Singh i/by Economic Law Practice for the Respondent No.12 and for the Applicant in IA/7156/2026.

Mr. Karan Bhide a/w. Adv. Manisha Prajapati, Adv. M.Nakrani i/by Dhiresn H. Shah for the Applicant in IA/5406/2026.

Mr. Manas N. Gawankar a/w. Adv. Shabbir Jariwala i/by Jariwala Associates for the Applicant in IA/5409/2026.

Mr. Abhay Dhadiwal a/w. Adv. Monish Bhatia, Adv. Vidhi Karia, Adv. Prithvi Sawla i/by Jayakar & Partners for the Applicant in IA/5417/2026.

Ms. Neha Bhide, GP a/w. Adv. O. A. Chandurkar, Addl. GP, Adv. Gauri Raghuvanshi, AGP for the Respondent-State.

**CORAM : A. S. GADKARI AND
KAMAL KHATA, JJ.
DATE : 24th September, 2026.**

PC:-

1) By this Petition filed under Article 226/227 of the Constitution of India, the Petitioner, an alleged beneficiary of Lilavati Kirtilal Mehta Medical Trust seeks the following substantive reliefs:

“(a) This Hon’ble Court be pleased to issue a writ of mandamus or an appropriate writ order or direction, thereby

directing the Joint Charity Commissioner-I, HO Mumbai to follow the procedure prescribed u/s 41D(2)(c) of the MPT Act, 1950 in Application No.23 of 2025 pending before the Joint Charity Commissioner-I, HO Mumbai on such terms and conditions as this Hon'ble Court may deem fit and proper;

(b) In further to the preceding prayer, this Hon'ble Court be pleased to issue appropriate writ order or direction thereby expediting the hearing and final disposal of the Application No.23 of 2025 pending before the Joint Charity Commissioner-I, HO Mumbai on such terms and conditions as this Hon'ble Court may deem fit;”

1.1) Prayer clauses (c) and (d) are the interim prayers i.e. consequential reliefs.

2) Heard Mr. Pai, learned Advocate for the Petitioner at length, Mr. Chinoy, learned senior counsel for the Respondent No.1, Mr. Joshi, learned senior counsel for Respondent No.2, Mr. Basant for Respondent No.3, Mr. Kamat, learned senior counsel for Respondent No.4, Mr. Khandeparkar, for Respondent No.12 and Ms. Bhide, learned GP for the Respondent-State.

3) It is an admitted fact on record that, the Petitioner has filed an Application under Section 41D of the Maharashtra Public Trusts Act, 1950 ('Trust Act'), which is pending for adjudication before the learned Joint

Charity Commissioner-1, Mumbai.

4) We are unable to accept the insistence of the Petitioner that, this Court must direct the concerned adjudicating Authority to follow the procedure particularly prescribed under Section 41D(2)(c) of the Trust Act instead of the entire procedure prescribed under Section 41D, under which the Application is preferred by the Petitioner. It appears to us that, it is with a view to sabotage the functioning of the concerned adjudicating Authority, the Petitioner has sought such a relief.

5) We therefore openly expressed our view to the Petitioner's counsel that, except the word '(2)(c)' in prayer clause (a), we are inclined to allow the Petition in terms of prayer clauses (a) and (b).

6) Mr. Pai, learned Advocate for the Petitioner however opposed the said deletion and insisted that, the Petition be heard on merits.

7) We are afraid, we are unable to accede to such an argument. We are unwilling to adhere to the Petitioner's counsel's contention to hear the matter on merits for us to pass a particular Order desired by the Petitioner. We deprecate such a stand adopted by the Petitioner.

8) We accordingly dismiss the Petition *in limine*.

9) In view of disposal of Petition, Interim Application No.5422 of 2026, Interim Application No.5435 of 2026, Interim Application No.5436 of 2026, Interim Application No.5590 of 2026, Interim Application No.7121 of 2026, Interim Application No.7156 of 2026, Interim Application No.5572 of

2026, Interim Application No.5406 of 2026, Interim Application No.5409 of 2026 and Interim Application No.5417 of 2026, do not survive and are accordingly disposed off.

10) At this stage, Mr. Pai submitted that, ad-interim relief granted by paragraph No.5 of Order dated 22nd July 2026, may be continued for the period of two weeks from today to enable the Petitioner to impugn present Order before the Hon'ble Supreme Court.

11) It clearly appears to us that, the Petitioner somehow wants to protract the litigation for the reasons best known to him, although this Court is inclined to grant substantive reliefs to the Petitioner. We therefore deem it fit to reject the said prayer.

(KAMAL KHATA, J.)

(A.S. GADKARI, J.)