

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5954 of 1983

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMBHAI V BARAD

Versus

STATE OF GUJARAT

Appearance:

SERVED for Petitioners

M/S PATEL ADVOCATES for Respondent No. 1

GOVERNMENT PLEADER for Respondent No. 2

MR ND NANAVATI for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 29/03/96

ORAL JUDGEMENT

This petition has been filed by the Dhamlej Krushi Seva Sahkari Mandali Ltd. and its President against the order of District Registrar, Junagadh, appointing respondent No.3 as the Custodian of the Society for a period of one year. The impugned order was made on 16-11-1983. The petitioner have challenged the

impunged order on several grounds including the allegations of mala fide against one Ukabhai Virabhai Zala and one Shri Kalabhai Ranmalbhai Zala who was then a member of the Legislative Assembly. It may be noted here that neither said Shri Ukabhai nor Shri Kalabhai has been impleaded to this petition.

As it is noted hereinabove, the appointment of the custodian was made for a period of one year only. Further learned Mr.Chhaya appearing for respondents Nos.2 & 3 states that a new Managing Committee of the Society was elected some time in the year 1988-89. This petition was admitted by this court by an order dated 25-1-1984 and by way of interim direction the court had restrained the respondent No.3 from acting as custodian of the Society. In view of these, the cause of action does not survive and this petition, therefore, requires to be disposed of accordingly.

The petition is, therefore, dismissed as having become infructuous. Rule is discharged. Interim relief is vacated.