

क्रमांक 2335 कलम/नियम २३ अन्वये  
आवेदक Adw Gangee  
दिनांक 26/3/12  
30/3/12  
30/1-दि. रोजी मिळाले

BEFORE THE ASSISTANT CHARITY COMMISSIONER,  
GREATER MUMBAI REGION, MUMBAI.

Application No. ACC-II/25/2011

(Under Section 50A(i) of the Bombay Public Trusts Act, 1950.)

In the matter of trust,  
'Indian Society of Hip and Knee  
Surgeons'  
P.T.R. No. E-23526 (Mumbai)

Dr. Javahir Anant Pachare  
7 10 others.

...Applicants

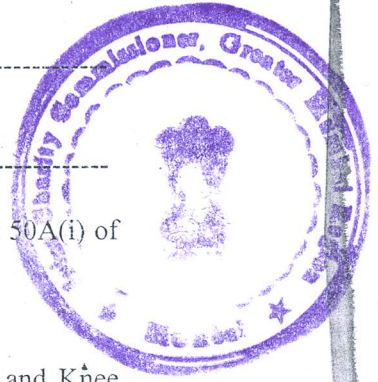
-: versus :-  
NIL.

JUDGMENT  
(Delivered on 23.2.2012)

This is an application for framing a scheme under Section 50A(i) of the Bombay Public Trusts Act, 1950.

2. The trustees of the trust namely 'Indian Society of Hip and Knee Surgeons' bearing Registration No. E-23526 (Mumbai) have unanimously filed present application for framing a scheme. According to them, for proper administration and management of the trust as well as to remove the unreasonable and ambiguous provisions, to run the trust smoothly by day-to-day administration, they have unanimously decided to frame a proper scheme.

3. Considering the contention of the application, the following points arose for my determination and I record my findings thereon for the reasons as mentioned in the later part of the judgment.



<u>POINT</u>	<u>FINDING</u>
1. Whether the scheme is necessary for proper management and administration of the trust ?	Yes
2. If yes, what should be the scheme?	As per draft of scheme.
3. What order ?	As per final order.

**: REASONS FOR FINDINGS :**

4. Both the points are discussed simultaneously for the sake of convenience as they are interlinked and interdependent. It is the contention of the applicants that for smooth functioning and day-to-day management of the trust, they have applied for framing a scheme with better clauses of administration. On perusal of the documents which can be seen that they wanted to delete the clause namely duties of executive board and duties of office bearers. The trustees are also intending to increase a clause for appointment and dissolution of the executive board and Research Committee and their duties. The clause regarding finance, scientific annual meeting are also intended to be deleted. There are certain changes regarding amalgamation/dissolution of the trust as well as Rules and Regulations.

5. On perusal of draft scheme it appears that more emphasis is given so as to smoothen the day-to-day working of the trust along with the management. The draft scheme is unanimously drafted by all the trustees. More so all the trustees have rendered their consent letters to act as trustees and their names can be seen in Schedule-1 of this office. All the trustees have unanimously passed resolution to support the proposed draft which discloses jurisdiction of the trust along with the newly added clauses. It is further specifies the procedure to call the meetings, quorum of meeting, election of trustees, qualification of trustees, vesting

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