



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

917 WRIT PETITION NO. 13406 OF 2025

**Prafulla s/o. Prakash Rathod**

Age : 66 yrs, Occu. : Business,  
R/o. Mandavi, Tal. Kinwat,  
Dist. Nanded.

... **PETITIONER**  
(Org. Respondent No.1)

**VERSUS**

1. **Allabaksh Abdul Razzak**  
Age : 85 yrs, Occu. : Business,  
R/o. Kinwat, Tal. Kinwat,  
Dist. Nanded.
2. **Ramlu Shankarrao Nilawar (since deceased)**  
Age : 84 yrs, Occu. : Business,  
R/o. Kinwat, Tal. Kinwat,  
Dist. Nanded.
3. **Shankarrao Madhavrao Chadawar**  
Age : 75 yrs, Occu. : Business,  
R/o. Kinwat, Tal. Kinwat,  
Dist. Nanded.
4. **Thakur Narayan Jadhav**  
Age : 70 yrs, Occu. : Agri,  
R/o. Sarakhani, Tal. Kinwat,  
Dist. Nanded.
5. **Jaswantsingh Gyansingh Sokhi**  
Age : 70 yrs, Occu. : Business,  
R/o. Kinwat, Tal. Kinwat,  
Dist. Nanded.
6. **Digambar Bapurao Patil**  
Age : 80 yrs, Occu. : Agri,  
R/o. Malakjam, Tal. Kinwat,  
Dist. Nanded.
7. **Yadavrao Mukundrao Nemmaniwar (since deceased)**  
R/o. Yelampura, Tal : Kinwat,

Dist Nanded.

8. **IsaKhan Sardarkhan**  
Age : 75 yrs, Occu. : Business,  
R/o. Kinwat, Tal. Kinwat,  
Dist. Nanded.
  9. **Dinkar Bapurao Chadawar**  
Age : 70 yrs, Occu. : Business,  
R/o. Kinwat, Tal. Kinwat,  
Dist. Nanded.
  10. **Narayanrao Rajaram Sidam**  
Age : 70 yrs, Occu. : Agri,  
R/o. Gokunda, Tal. Kinwat,  
Dist. Nanded.
  11. **Gangareddy s/o. Bhumanna Bainamwar**  
Age : 70 yrs, Occu. : Agri,  
R/o. Bellori, Tal. Kinwat,  
Dist. Nanded.
  12. **Ramrao s/o Ganpatrao Jadhav**  
Age : 70 yrs, Occu. : Agri,  
R/o. Kamthala, Tal. Kinwat,  
Dist. Nanded.
  13. **Sakhaulla Khan s/o. Amanulla Khan**  
Age : 66 yrs, Occu. : Business,  
R/o. Kinwat, Tal. Kinwat,  
Dist. Nanded.
  14. **The State of Maharashtra**  
Through the Principal Secretary (Law & Judiciary Dept.)  
Mantralaya, Mumbai.
  15. **The Deputy Charity Commissioner,**  
Nanded Region, Nanded.
- ...      **RESPONDENTS**

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**Mr. Rajendra S. Deshmukh, Senior Counsel** i/b. Mr. Amol R. Joshi for the  
Petitioner

**Mr. P. R. Katneshwarkar, Senior Counsel** i/b. Mr. S.N. Janakwade for  
Respondent No. 1.

**Mr. Ramchandra S. Patil**, for Respondent Nos. 3 to 6, 8 to 10.

**Mr. Arvind S. Deshmukh** for Respondent Nos. 11 to 13.

**Mr. V. M. Kagne**, learned AGP for Respondent Nos. 14 & 15.

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**CORAM : NITIN B. SURYAWANSHI &  
ABASAHEB D. SHINDE, JJ.**

**RESERVED ON : 04/08/2026  
PRONOUNCED ON : 07/10/2026**

**JUDGMENT (PER : ABASAHEB D. SHINDE, J) :**

1. Rule. Rule is made returnable forthwith with the consent of the parties, the Writ Petition is heard finally at the stage of admission.
2. By this Writ Petition filed under Article 226 of the Constitution of India, the Petitioner is taking exception to the order dated 20<sup>th</sup> October 2025, passed by the Respondent No. 15 – Deputy Charity Commissioner at Nanded under Section 41-A of the Maharashtra Public Trust Act, 1950 (for the sake of brevity hereinafter called the ‘**Trust Act**’) in Inquiry Application No. 848 of 2025.

**FACTUAL MATRIX :-**

3. It is the case of the Petitioner that the “Kinwat Shikshan Santha, Kinwat, Dist. Nanded” is an Educational Trust (hereinafter called as the ‘**said Trust**’) registered under the Trust Act. It is governed by the provisions of the Trust Act and the Scheme of the said Trust. The term of elected Board of Trustees is of five years.

4. The last elections of Board of Trustees were held in January 2016, in which the Petitioner was elected as a Chairman of the said Trust and to that effect the Change Report bearing Inquiry No. 287 of 2016 under Section 22 of the Trust Act, was filed before Respondent No. 15. By order dated 15<sup>th</sup> March 2019 Respondent No. 15 allowed the said Change Report. The entry of Board of Trustees including the name of the Petitioner was taken in Schedule-I of the said Trust. As the tenure of erstwhile Board of Trustees came to an end, fresh elections were held in December 2022, for the period 2022 to 2027. The Petitioner, Respondent No. 1 and Respondent Nos. 11 to 13 got elected. Respondent Nos. 3 to 10 claims to have been elected in the said election. The petitioner filed Change Report bearing Inquiry No. 1212 of 2022 whereas, Respondents No. 4 filed Change Report bearing Inquiry No. 1213 of 2022 before Respondent No. 15.

5. It is further case of the Petitioner that, while both the Change Reports were pending before Respondent No. 15, Respondent No. 2 (now deceased) filed an application under Section 41-A of the Trust Act, contending that, the said Trust runs Baliram Patil College at Kinwat District Nanded (hereinafter called as “the said College”). Due to pendency of both the Change Reports, the appointments of teaching and non-teaching staff of the said College could not be made. The salaries of the in-service employees have also not been paid. The entire day to day activities of the said college have come to a standstill as a result of which the students of the said College are being

made to suffer. It was thus prayed that, by rejecting both the Change Reports directions be issued to hold fresh elections of the said Trust.

6. The Petitioner as well as other contesting Respondents opposed the said application on the ground of its maintainability. It was contended that, since both the Change Reports were pending adjudication, there was no cause of action for filing such an application. It appears from the record that Respondent No. 2 (original Applicant) expired during the pendency of the said Application, as a result of which Respondent No. 1 was transposed as the Applicant in the said proceedings.

7. The Petitioner further contends that, Respondent No. 15 on 20<sup>th</sup> October 2025 pronounced the judgment in the Change Reports thereby rejecting both of them. Though the Petitioner prayed for certified copy of the judgment, the same was not provided to him, on the contrary, Respondent No. 15 by impugned order allowed the application filed by the Respondent No. 1 under Section 41-A of the Trust Act on the same day, thereby directing to hold fresh elections of the said Trust and submit the Change Report to that effect. The Petitioner therefore has approached this Court challenging the impugned order.

**SUBMISSIONS :-**

8. Mr. Deshmukh, learned Senior Counsel appearing for the Petitioner while assailing the impugned order strenuously submits that, the application

under Section 41-A of the Trust Act itself was not maintainable, as there was no occasion for filing the said application in the midst of hearing of the pending Change Reports. He submits that, Respondent No. 15 has exceeded his jurisdiction by allowing the said application merely because the Change Reports filed by both the rival groups have been rejected. He further submits that, whosoever is aggrieved by the rejection of its Change Report can resort to remedy of filing Appeal under Section 70 of the Trust Act. He would submit that, before passing the impugned order, Respondent No. 15 has not given sufficient opportunity of hearing to the Petitioner as well as the other contesting respondents. The impugned order is thus violative of the principle of natural justice. He therefore urged that, impugned order deserves to be quashed and set aside. In support of his submissions he has relied on the following Judgments :-

- I. ***Vanmala Manoharrao Kamdi & Ors. Vs. Deputy Charity Commissioner, Nagpur & Ors.*** 2012(3) Mh.L.J.594,
- II. ***Shri. Damodar Jairam Sao Vs. Deputy Charity Commissioner, Nagpur Region & Ors.*** (decided on 19<sup>th</sup> September 2011 in Writ Petition No. 4847 of 2010).
- III. ***Hazarat Maulana Mufti Mujeeb Ashraf Sahab and Ors. Vs. Allamah Haji Sayyed Hussaini Miyan Sahab and Ors.*** (2020(4) MhLJ 757),
- IV. ***Shri. Shyam Vasant Kale and Anr. Vs. The learned Assistant Charity Commissioner-II, Nagpur and Ors.*** (decided on 10<sup>th</sup> June 2026 in Writ Petition 4116 of 2026)
- V. ***Ramesh Tulshiram Bhutekar and Anr. Vs. The Asiatic Society of Mumbai & Ors.*** (decided on 06<sup>th</sup> November 2025 in Writ Petition No.

15028 of 2025),

VI. *Dinkar Shankarrao Patil & Ors. Vs. Dr. Sheshrao Shankarrao Patil & Ors.* (2008(3) Mh.L.J. 833),

VII. *Raghunath s/o. Motiram Patil Vs. The State of Maharashtra & Ors.* (2008 (2) Mh.L.J. 78).

9. Per contra, Mr. Katneshwarkar, learned Senior Counsel appearing for Respondent No. 1 would submit that, the said Application was filed taking into consideration the interest of the students as well as the employees of the said college and the difficulties being faced while managing the day to day affairs of the said Trust. The said application satisfies the test laid down under Section 41-A of the Trust Act. He further submits that, Respondent No. 15 has rightly passed the impugned order. He would submit that, since election process pursuant to the impugned order is set in motion by issuing notice for holding the elections, this Court would be slow in interfering with the election process. To substantiate his submissions he placed reliance on the following judgments :

I. *Shivram Apparao Suryawanshi and Ors. Vs. Assistant Charity Commissioner-1, Latur & Ors.* (Decided on 11<sup>th</sup> April 2023 in Writ Petition No. 2122 of 2023),

II. *Balwantrao Jaywantrao Wagh & Ors. Vs. The Hon'ble Deputy Charity Commissioner, Jalgaon & Ors.* (Decided on 19<sup>th</sup> March 2024 in Writ Petition No. 2704 of 2024),

III. *Dattatraya Mahadeo Hiware & Ors. Vs. Arjun Sambhaji Shinde & Ors.* (2007(1) Mh.L.J. 48),

IV. *Sandip Ram Meghe and Ors. Vs. Pundalikrao Balaji Gohad & Ors.* (2013(4) Mh.L.J. 703),

V. *Mahavir Jain Vidyalaya & Ors. Vs. Assistant Charity Commissioner & Ors.* (2001(5) AllMR 731),

VI. *Shaji K. Joseph Vs. V. Vishwanath & Ors.* (2016(4) SCC 429).

**CONSIDERATION :-**

10. We have heard the learned Senior Counsel for the Petitioner, learned Senior Counsel appearing for Respondent No. 1, learned Counsel for Respondent Nos. 3 to 10, learned Counsel appearing for Respondent Nos. 11 to 13, learned AGP for Respondent Nos. 14 and 15, at length, perused the record and the judgments relied upon by the respective counsel.

11. Before advertng to the rival submissions advanced by both the sides it would be apt to consider the provisions of Section 41-A of the Trust Act which reads thus :

***41-A. Power of Commissioner to issue directions  
(for proper administration of the trust) : —***

*(1) Subject to the provisions of this Act, the Charity Commissioner may from time to time issue directions to any trustee of a public trust or any person connected therewith, to ensure that the trust is properly administered, and the income thereof is properly accounted for or duly appropriated and applied to the objects and for the purposes of the trust; and the Charity Commissioner may also give directions to the trustees or such person that if he finds that any property of the trust is in danger of being wasted, damaged, alienated or wrongfully sold, removed or disposed of.*

*(Provided that, if any application is made by the trustee of any trust for seeking directions under sub-section (1), the Charity Commissioner shall decide such application within three months from the date of its receipt and if it is not*

*practicable so to do, the Charity Commissioner shall record the reasons for the same.)*

*(2) It shall be the duty of every trustee or of such person to comply with the directions issued under sub-section (1).*

12. A bare perusal of Section 41-A of the Trust Act makes it abundantly clear that, the Charity Commissioner is entrusted with powers to issue directions from time to time to any trustee or a person connected therewith to ensure that the trust is properly administered and any income thereof is properly accounted for or duly appropriated and applied to the objects and for the purposes of the trust. The Charity Commissioner is also empowered to issue directions if he finds that any property of the trust is in danger of being wasted, damaged, alienated or wrongfully sold, removed or disposed of. It is equally true that, the above provision also empowers the Charity Commissioner to issue directions to hold the elections if such a contingency arises.

13. The question, therefore, falls for consideration in this Writ Petition is whether a situation has arisen warranting the issuance of directions for holding fresh elections of the said Trust.

14. Indisputably, as per the provisions of Section 56F of the Trust Act and the scheme of the said Trust, term of the elected Board of Trustees of the said Trust is of five years. The last elections of the said Trust were held in 2016. After the expiry of term of the Board of Trustees, the elections were held in December 2022 for the period of 2022-2027. Pursuant to the said election,

the petitioner, Respondent Nos.1 and 11 to 13, filed a Change Report bearing Enquiry No.1212/2022, whereas Respondent Nos.3 to 11, filed a Change Report bearing Enquiry No.1213/2022 before Respondent No.15. While both these Change Reports were pending, on 09<sup>th</sup> July 2025, Respondent No.2 (deceased) appears to have filed an application under Section 41A of the Trust Act, seeking directions to hold fresh elections. Respondent No.15 by the impugned order allowed the said application on the premise that, by virtue of the rejection of both the Change Reports, the executive body entered in Schedule-I has become de-facto trustees, therefore,they cannot take policy decisions. So as to ensure proper administration of the said Trust, it would be necessary to issue directions for holding fresh elections.

**15.** It is trite law that, the powers under Section 41A of the Trust Act cannot be resorted to in a routine manner. Before entertaining such an application and passing order thereon, the Assistant Charity Commissioner will have to arrive at a subjective satisfaction, whether the circumstances enumerated under Section 41A of the Trust Act are made out by the Applicant/s. Meaning thereby, such powers cannot be exercised mechanically.

**16.** In the instant case, as can be seen from the record that, even before the Change Reports of the rival groups could be heard and decided, the application under Section 41A of the Trust Act was filed. Respondent No.15 allowed the said application, thereby directing to hold fresh elections, owing

to rejection of the Change Reports filed by the rival groups. Respondent No.15 presumed that, the order of rejection of the Change Reports filed by the rival groups has attained finality. However, it is pertinent to note that, any order passed by the Assistant Charity Commissioner either accepting or rejecting the Change Report is always amenable to Appeal under Section 70 of the Trust Act.

17. It is settled position of law that, the right of appeal is not merely a matter of procedure, but a substantive right. In light of this, the petitioner has every right to challenge the order of rejection of his Change Report in view of the fact that the term of Board of Trustees, including the petitioner is upto December 2027. We are therefore of the considered view that, if the impugned order is allowed to be sustained, it would amount to taking away the Petitioner's statutory right of appeal under Section 70 of the Trust Act.

18. In almost similar set of facts, learned Single Judge of this Court in the case of ***Raghunath S/o. Motiram Patil*** (supra) held thus :

*“8. Turning to the facts of the case on hand, it appears that Change Report No. 13 of 2005, filed by one group, was rejected by the learned Assistant Charity Commissioner on 3rd May, 2007. The learned Assistant Charity Commissioner presumed that the said order is final, there is no trustee in the office and, therefore, administrator needs to be appointed. Appeal against order passed under Section 22 is provided under Section 70 of the said Act. Right of appeal is a valuable right. It is apropos to refer to a Constitution Bench judgment of the Apex Court in the matter of Garikapati Veeraya v.*

*Subbiah Choudhary and Ors. Reported in AIR 1957 SC 540. The Apex Court observed:*

*(23) From the decisions cited above the following principles clearly emerge:*

*(i) That the legal pursuit of a remedy, suit, appeal and second appeal are really but steps in a series of proceedings all connected by an intrinsic unity and are to be regarded as one legal proceeding.*

*(ii) The right of appeal is not a mere matter of procedure but is a substantive right.*

*(iii) The institution of the suit carries with it the implication that all rights of appeal then in force are preserved to the parties thereto till the rest of the career of the suit.*

*(iv) The right of appeal is a vested right and such a right to enter the superior Court accrues to the litigant and exists as on and from the date the lis commences and although it may be actually exercised when the adverse judgment is pronounced such right is to be governed by the law prevailing at the date of the institution of the suit or proceeding and not by the law that prevails at the date of its decision or at the date of the filing of the appeal.*

*(V) This vested right of appeal can be taken away only by a subsequent enactment, if it so provides expressly or by necessary intendment and not otherwise.”*

**19.** We respectfully agree with the above view. Applying the aforesaid observations of this court to the case in hand, we find that, the impugned order passed by Respondent No. 15 cannot sustain.

20. The issue whether an application under Section 41-A of the Trust Act seeking directions to hold election, can be entertained and allowed by the Assistant Charity Commissioner either while Change Report is pending adjudication or after its rejection has been underscored by the Co-ordinate Bench of this Court in the case of ***Dinkar Shankarrao Patil*** (supra), wherein this court held thus:

*“12) Now, turning to the case on hand, there is no dispute that two change reports are filed and pending before the learned Assistant Charity Commissioner on behalf of the petitioners as well as respondents 1 and 2. Both of them are claiming that general body meeting of the trust in question had taken place, on a particular date and few persons have been elected either as a member of the managing committee and/or office bearers of the trust in question. In relation to this aspect, both learned Counsel have produced on record ample material, consisting of affidavits and copies of the correspondence, either to the University or from the University. Both applications, undisputedly, are pending before the learned Assistant Charity Commissioner. The question of fact, regarding election of the trust in question and election of the members as well as office bearers of the trust, at present, is pending before the learned Assistant Charity Commissioner. We, therefore, refrain ourselves from referring this material in extenso and record any finding. The orders, which are likely to be passed by learned Assistant Charity Commissioner are subject to further proceedings under Sections 70 and 72 of the said Act.*

*13. The orders purportedly passed by the learned Assistant Charity Commissioner under Section 41-A of the Act in routine have been challenged by filing writ petitions time and again before this Court. It is an usual phenomenon that two or more groups are claiming management of the registered public trust. The change reports, according to them, under Section 22 of the said Act have been filed before the learned Assistant Charity Commissioner. Before disposal of change reports under Section*

*22, learned Assistant Charity Commissioner gets the application purportedly under Section 41-A from one of the groups or sometimes from both the groups and instead of disposing and deciding the application under Section 22 of the said Act, learned Assistant Charity Commissioner entertains an application purportedly under Section 41-A of the Act and orders are being passed.*

*14. According to the provision under Section 22 of the said Act, change occurred has to be reported to the learned Assistant Charity Commissioner. The decision of the learned Assistant Charity Commissioner is not final in the matter and such orders are taken up in further proceedings either under Sections 70 or 72 of the said Act and ultimately under Article/s 226/227 of the Constitution of India before this Court. It is, in this backdrop, the learned Assistant Charity Commissioner or the learned Charity Commissioner exercising powers under Section 41-A of the Act has to be careful while entertaining such an application. He should record a finding whether the application is entertainable under Section 41-A of the Act. It is in this circumstance, the learned Assistant Charity Commissioner should pass orders on such applications. The learned Assistant Charity Commissioner concerned shall decide and dispose of the change reports expeditiously, if necessary, by hearing the matters on day to day basis. Such final disposal of the change reports may help in proper administration of the trust in question, as well as the trustees concerned.*

*15. As observed by us in the foregoing paragraphs, such directions under Section 41-A of the Act can be given to trustees. Unless such status being a trustee is available with the learned Assistant Charity Commissioner, he shall not entertain an application under Section 41-A of the Act and issue directions. All endeavor should be made for final disposal of the change reports or the applications filed under Section 22 of the said Act.*

*16. Process of recruitment of some teaching and non-teaching staff as approved by the University in relation to Senior College is in vogue. Such process is initiated in view of an advertisement published on 10.11.2007. Such recruitment process shall be proceeded in accordance with provisions of*

*Maharashtra Universities Act, 1994. We are told that the Selection Committees are provided under Sections 78 and 79 of the said Act of 1994. In case member / representative of the trust is required to be a member of the Selection Committee, one member, out of eight remaining, who are not recited as elected members of board of trustees in either of the change reports and who is having highest educational qualification shall represent the trust on the selection committee. If such two members are equally qualified, one who has acquired highest qualification in earlier point of time shall be deemed senior and be the member of the Selection Committee on behalf of the trust.*

*17. We have gone through the application filed by respondent Nos. 1 and 2 purportedly under Section 41-A of the said Act in the case on hand. we are of the firm opinion that this application ought not to have been entertained by the learned Assistant Charity Commissioner under Section 41-A of the said Act. The order impugned in this writ petition, therefore, needs to be quashed and set aside, with further direction that the Assistant Charity Commissioner, Osmanabad shall decide Change Reports 717 and 722 of 2007 on/or before 18.04.2008. The petitioners as well as respondents 1 and 2 shall remain present before the Assistant Charity Commissioner on 25.02.2008 at 11.30 a.m. ”*

**21.** In the light of the aforesaid ratio it is clear that, Respondent No. 15 has exceeded his jurisdiction in passing the impugned order under Section 41-A of the Trust Act.

**22.** So far as judgments relied upon by the learned Senior Counsel for the Petitioner in the case of **Vanmala Manoharrao Kamdi** (supra), **Shri. Damodar Jairam Sao** (supra), **Hazarat Maulana Mufti Mujeeb Ashraf Sahab** (supra), **Shri. Shyam Vasant Kale** (supra), **Ramesh Tulshiram Bhutekar** (supra) and **Shri. Damodar Jairam Sao** (supra) are concerned, those are on the point as

to whether the order passed under Section 41-A of the Trust Act is a quasi judicial or an administrative order. There is no dispute about the legal proposition that same is administrative in nature. We thus find that, these judgments have no bearing on the facts of the present case.

23. Now coming to the judgments relied upon by the learned Senior Counsel appearing for Respondent No. 1. In the case of ***Shivram Apparao Suryawanshi*** (supra), the challenge was to the order passed by the Assistant Charity Commissioner thereby rejecting withdrawal pursis filed in application under Section 41-A of the Trust Act. The learned Single Judge of this Court dismissed the Writ Petition, holding that the said withdrawal pursis was filed by the petitioner in collusion with Respondents therein.

24. Similarly, in the case of ***Balwantrao Jayawantrao Wagh*** (supra), ***Dattatraya Mahadeo Hiware*** (supra) and ***Sandip Ram Meghe*** (supra), the directions issued by Assistant Charity Commissioner for holding elections were upheld by this court since, the term of the Board of Trustees therein had come to an end. In the instant case, as observed herein-above, the term of elected Board of Trustees is going to expire in December 2027. We are, therefore, of the opinion that none of these judgments are applicable to the case in hand.

25. So far as the judgment of the Hon'ble Apex Court in the case of ***Shaji K. Joseph*** (supra) and judgment of this Court in the case of ***Mahavir Jain***

*Vidyalaya* (supra) are concerned, those are on the aspect as to whether this Court can interfere with the election process after its commencement. In the case in hand, the fresh elections are being held pursuant to the impugned order. Since the impugned order does not sustain in the eyes of law, in view of what we have observed hereinabove, the consequential declaration of the election programme is hardly of any consequence. With due respect, even these judgments have no application.

**“CONCLUSION” :**

26. In view of the aforesaid discussion and in the light of the judgment of Co-ordinate Bench of this Court in the case of *Dinkar Shankarrao Patil* (supra) and the judgment of the learned Single Judge of this Court in the case of *Raghunath Motiram Patil* (supra), we are of the considered view that the impugned order passed by Respondent No. 15 is unsustainable and the same deserves to be quashed and set aside.

27. In the result, we pass the following order :

**:: ORDER ::**

- A) The present Writ Petition is allowed.
- B) The impugned order dated 20<sup>th</sup> October 2025, passed by the Ld. Deputy Charity Commissioner, Nanded under Section 41-A of the Maharashtra Public Trust Act, 1950, in Inquiry Application No. 848/2025 is hereby quashed and set aside.
- C) The Appellate Authority before whom the appeal filed by the Petitioner challenging the rejection of Change Report is stated to have been pending, is directed to decide and

dispose of the same as expeditiously as possible and in any case, within a period of three months from the date of receipt of copy of this order by giving opportunity of hearing to all the contesting parties

**D)** Rule is thus made absolute in the above terms with no order as to costs.

**( ABASAHEB D. SHINDE, J. )**

**( NITN B. SURYAWANSHI, J. )**

*Ajay Jadhavpatil*