

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12280 OF 2015

Shri Hemant Sadashiv Sawant.] ... Petitioner

Versus

1. Shri Suresh Tukaram Sawant,]
 2. Shri B. M. Mane,]
 Assistant Charity Commissioner,]
 Sindhudurg Region, Sindhudurg.]
 3. State of Maharashtra.] ... Respondents

Mr. B. G. Vaidya for Petitioner.

Mr. A. R. Metkari, A.G.P., for Respondent No.3.

CORAM :- M. S. SONAK, J.

DATE :- DECEMBER 16, 2015

P. C. :-

1. There is no case made out to interfere with the impugned order. If the application made by the petitioner is perused, then all that is stated therein is that he has some close relation with the '*Devasthan*' and that he participates in the activities of the '*Devasthan*'. This, by itself, does not entitle the petitioner to an order under Section 73A of the Bombay Public Trusts Act, 1950. There is neither any jurisdictional error nor any error apparent on face of record in making of the order.

2. Further, the impugned order indicates that the application for impleadment as third party was made by the petitioner only on 22/01/2014. At this stage, the evidence on behalf of the applicant is already completed and the evidence on behalf of the opponent is in progress. There is no explanation whatsoever for the apparent delay in seeking intervention.

3. The learned Counsel for petitioner relies upon the decision of this Court in the case of *Shri Suresh Hiralal Shah V/s. Shree Mahavir Swami Digambar Jain Mandir Trust*¹. In the said case, it has been held that a person seeking intervention need not necessarily be an incoming or an outgoing trustee. It is sufficient if the person seeking intervention has interest in the public trust concerned. In this case, the petitioner has very vaguely stated that he has interest. The petitioner has produced absolutely no material to make good this statement. Besides, the application of the petitioner has not been rejected on the ground of he is not an incoming or an outgoing trustee. The decision, therefore, cannot assist the case of the petitioner.

4. Accordingly, this petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

¹ 2001 (3) Mh.L.J. 147