

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 328 OF 2015
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Smt. Vaishalитай Jondhale & Ors. .. Petitioners
vs.
Shri Shivajirao Jondhale & Ors. .. Respondents

Mr. P. K. Dhakephalkar – Senior Advocate with Mr. Mandar Limaye
for Petitioners in all Petitions.
Mr. T. K. Yadav for Respondent Nos. 1 in all Petitions.
Mr. B. D. Joshi with Mr. Virendra Pethe and Mr. Girish Paryani for
Respondent No. 7 in all Petitions.

CORAM : M. S. SONAK, J.
DATE: 15 JANUARY 2015

P.C. :-

1] Rule in each of the petition, with the consent of the learned
counsels appearing for the parties, Rule is made returnable
forthwith in all these petitions.

2] Although, the present petitions take exception to the order dated 8 January 2015 made by the Joint Charity Commissioner, Mumbai, in appeal nos. 1 to 7 of 2014, impugning, in turn, orders dated 6 December 2010 made by the Assistant Charity Commissioner, Thane, the parties, in the interest of justice, have agreed to disposal of the present petitions, as also appeal nos. 1 to 7 of 2014 pending before the Joint Charity Commissioner, upon terms indicated hereafter.

3] The parties agree that the orders dated 6 December 2010, which form the subject matter of appeal nos. 1 to 7 of 2014 (except appeal no. 2 of 2014) be set aside and the same are accordingly set aside. The change reports, in which the orders dated 6 December 2010 came to be made stand remanded to the Assistant Charity Commissioner, Thane, for fresh reconsideration on their own merits and in accordance with law.

4] There are change reports nos. 637 of 2011 to 641 of 2011 filed by respondent no.1 herein, in respect of Samarth Samaj Trust, with which we are concerned in these petitions. It is agreed that along with the remanded change reports, the Assistant Charity Commissioner, Thane, shall also take up and dispose of said change reports filed by respondent no. 1, again, on their own merits and in accordance with law.

5] Parties concerned, shall be entitled to adduce fresh evidence in the matters, as may be permissible under the law.

6] The Assistant Charity Commissioner, Thane, is directed to dispose of the two sets of change reports i.e. the ones remanded by this Order and the other, lodged by respondent no. 1 within a period of six months from the date of this Order.

7] It is clarified that in writ petition no. 329 of 2015, which concern appeal no. 2 of 2014 before the Joint Charity Commissioner, the date of the order impugned therein is 3 December 2010, instead of 6 December 2010. Accordingly, the same also stands set aside and change report no. 772 of 2010 stands remanded to the Assistant Charity Commissioner, Thane for disposal in the aforesaid terms.

8] Parties to appear before the Assistant Charity Commissioner on 3 February 2015 at 11.00 a.m. along with an authenticated copy of this Order. The Assistant Charity Commissioner to thereafter fix schedule for disposal of the change reports, as aforesaid.

9] All the parties undertake to cooperate with the Assistant Charity Commissioner, Thane, in the matter of disposal of the change reports.

10] Rule is made absolute in all these petitions to the aforesaid extent, with the consent of the contesting parties.

11] The petitions are disposed of in the aforesaid terms.

12] Parties to act on the basis of an authenticated copy of this Order.

(M. S. SONAK, J.)

Chandka