

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4092 OF 2015

Dilip Naval Pawar and another

.. Petitioners

Versus

Joint Charity Commissioner and others

.. Respondents

Shri. Kalpesh V. Patil, for the Petitioners.

Mrs. Vaishali Nimbalkar, AGP for the Respondent No.1.

CORAM : R.M. SAVANT, J.

DATE : 05th MAY, 2015

PC.

1. The application filed by the Petitioners for being allowed to intervene in the pending proceedings under Section 41D of the Bombay Public Trust Act, 1950 came to be rejected by the order dated 18.11.2014 which is taken exception to by way of the above Petition. The reasons for the rejection are mentioned in the impugned order, namely that the charges have already been levelled against the concerned trustees and that the same was done as long back on 24.09.2012 and the instant application being filed at the said length of time, that the Applicants are the sons of the existing trustees and they therefore want to have a say in the management of the trust. The Learned Joint Charity Commissioner has also mentioned that if such type of applications for intervention would

definitely cause hindrance in the inquiry. In my view the inquiry under Section 41D of the Bombay Public Trust Act and since the charges have already been framed against the erring trustees, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]