

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 11292 OF 2015**

Hussain Mohammad Bhaladar & Ors. ... Petitioners  
vs.  
Shankar Sitaram Kshirsagar & Ors. ... Respondents  
.....  
Mr. T.S. Ingale for the petitioner.  
....

**CORAM : M.S. SONAK, J.**  
**DATE : 24<sup>th</sup> NOVEMBER, 2015.**

**P.C.:**

1. The only contention raised by Mr. Ingale is that the proposed intervenor not being Member of the trust or the society can never be regarded as “persons having interest” within the meaning assigned to this expression under section 2(10) of the Maharashtra Public Trust Act, 1950.
2. The definition as contained in section 2(10) is inclusive definition. On the basis of such provision, it can not be contended that only the trustees of the trust or the members of the society can be regarded as “persons having interest”. Accordingly it is not possible to accept the contention of Mr. Ingale, learned counsel for the petitioner.
3. There is no jurisdictional error in making of the impugned order by which the respondents have been permitted to intervene in the proceedings seeking change report. There is no dispute that the

respondents were earlier the members of the trust. In such circumstances, it cannot be said that, the intervenor are not “persons having interest” in the trust, so as to seek intervention in terms of the provision of section 73(A) of the said Act. This petition is accordingly dismissed. There shall be no order as to costs. It is clarified that the issue whether the respondents are members of the trust or not is left open.

**(M.S. SONAK, J.)**