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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO.129 OF 2010

IN

WRIT PETITION NO.681 OF 2010

Padma Charitable Trust	.Petitioner
v/s.	
Additional Chief Secretary, Relief And Rehabilitation & ors.	.Respondent

And

Dr.Haniraj L. Chulani	.Applicant
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WITH

CHAMBER SUMMONS NO.130 OF 2010

IN

WRIT PETITION NO.985 OF 2010

Watumull Sanatorium Trust	.Petitioner
v/s.	
Additional Chief Secretary, Relief And Rehabilitation & ors.	.Respondent

And

Dr.Haniraj L. Chulani	.Applicant
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Mr.Virag Tulzapurkar, Senior Counsel with Mr.Vineet Naik, Ms Madhu Gadodia i/b. Naik, Naik & Co., for the Petitioner in W.P.No.681 of 2010

Mr.P.G.Lad, AGP, for the Respondent No.1 in W.P.No.681 of 2010 and for the Respondent No.4 in W.P.No.985 of 2010

Mr.S.S.Gaonkar i/b. Kurdukar Associates, Advocate, for the Applicant in CHS Nos.129 & 130 of 2010

Mr.Joy Desai i/b. Desai & Desai Associates, Advocate, for the Petitioner in W.P.No.985 of 2010 and for the Respondent No.3 in W.P.No.681 of 2010

CORAM : A.A.SAYED, J.

DATE : 06.08.2015

P.C.

. These two Chamber Summons have been taken out by the Applicant/3rd Party seeking impleadment to the two Petitions as party Respondent.

2 The Applicant is a Medical Practitioner and was a trustee of Watumull Sanatorium Trust (hereinafter referred to as Watumull Trust). The Petitions are filed challenging the order dated 19.12.2009 in Suo Motu Revision passed by the Additional Chief Secretary, whereby the order passed by the Settlement Commissioner dated 29.05.2009 sanctioning the sale of the property in question by Watumull Trust was recalled on the ground that the Trust had committed breach of condition No.4 of the Indenture and further directing that the property in question to be forfeited to the Government.

3 The Applicant claims that certain illegalities were committed in collusion by the trustees of the Padma Charitabale Trust (in seeking to purchase the property in question of Watumull Trust) with that of Trustees of Watumull Trust and the objects of the Watumull Trust are being defeated. He further claims that the Trusts have suppressed various facts which are required to be pointed out to this Court. According to the Applicant, he had earlier filed a Writ Petition, being Writ Petition No.6104 of 2009 challenging the order dated 29.05.2009 passed by the Settlement Commissioner, who

had sanctioned sale of the property in question which Writ Petition was withdrawn as that order was re-called in Revision. The Applicant has pointed out that he has also filed another Writ Petition, being Writ Petition No.1063 of 2009 challenging the order of the Joint Charity Commissioner who had sanctioned sale of the trust hospital plot under section 36(1)(a) of the Bombay Public Trust Act, 1950 after he was sought to be ousted as a trustee of the Watumull Trust.

4. Considering the facts and circumstances of the case and inasmuch as in Writ Petition No.1063 of 2009, the Division Bench of this Court had directed the Joint Charity Commissioner to hear the Applicant and had left the issue of locus of the Applicant open and the Joint Charity Commissioner having held that the Applicant was an interested person (though the Application of the Watumull Trust for sale of the trust property was ultimately allowed by the Joint Charity Commissioner and the same was not challenged by the Applicant), in my view, interest of justice would be served by allowing the Applicant to intervene and to address the Court. It is accordingly ordered. The prayer of the Applicant be impleaded as party Respondent to the Petitions shall, however, stand rejected.

5. The Chamber Summons are disposed of in the aforesaid terms.

(A.A.SAYED, J.)