

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 722 OF 2014
IN
WRIT PETITION NO.1982 OF 2014**

Rev. Dr. P.B. Amolik

..... Applicant.

V/s

In the matter of

Mr. James Baker

..... Petitioner.

V/s

The Dy. Charity Commissioner
& Ors.

..... Respondents.

Mrs. V.V. Thorat i/b Shah & Legal for the Applicant in support
of the Notice of Motion.

Ms. Shikha Goenka for the Petitioner.

Mr. H.S. Venegaonkar, AGP for Respondent Nos. 1 to 6.

**CORAM: V. M. KANADE &
REVATI MOHITE DERE, JJ.**

DATE: 8th January, 2015

P.C.:-

1. This Notice of Motion is taken out by the Applicant for recalling the order dated 29th October, 2014 passed by this Court. By the said order, a direction was given to the Assistant Charity Commissioner to implement that part of the order which has not been challenged by filing an appeal in

the City Civil Court.

2. The grievance is made by the Applicant herein that the said order was obtained by suppressing the material facts and falsely misleading the Court. It is submitted that an appeal has been filed by the applicant in the City Civil Court against the order passed by the Charity Commissioner wherein the original Petitioner in the Petition is the first Respondent. It is submitted that though the appeal was pending, this Writ Petition has been filed without making the Applicant as party-respondent.

3. We are satisfied that the Applicant herein is a necessary party to the Petition and, therefore, in our view, the Petitioner could not have obtained the order dated 29th October, 2014 by suppressing the material facts from this Court. The said order is, therefore, recalled. Writ Petition is restored to the file. Petitioner is directed to add all the Trustees including the Applicant herein as party-respondents to the Petition. Amendment to be carried out within one week. Notice of Motion is disposed of.

4. Place the Writ Petition on board on 22/01/2015.

(REVATI MOHITE DERE, J.)

(V.M. KANADE, J.)