

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 4671/2014.

Smt. Kusumtai Baburao Zade and others.

VERSUS

Shri Prashant Prabhakar Pawar and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : JANUARY 05, 2015.

Heard Shri Prashant Gode, learned Counsel
for the petitioners.

Application under Section 41A of the
Maharashtra Public Trusts Act filed by the respondents
is still pending. In that application, petitioners moved
an application and sought certain disclosure in relation
to original subject and original date written in the
agenda. That application at Exh.34 is, rejected by the
Deputy Charity Commissioner. The Deputy Charity
Commissioner has in paragraph nos. 10 and 11

observed that bare perusal of the copies produced before it was sufficient.

Effort of Shri Gode, learned Counsel is to demonstrate that such a finding could not have been recorded and in any case, perusal of proper documents was essential. He has also invited our attention to other part of the order.

It is apparent that the main application is still pending, and order passed here is only interlocutory in nature. Section 41A has very limited scope. Observations made by the Deputy Charity Commissioner are only for the purpose of deciding said application under Section 41A. As such where regular enquiry in accordance with law is conducted and parties get necessary opportunity, the observations made by the Deputy Charity Commissioner in Section 41A proceedings cannot operate to the prejudice of the present petitioners in such regular proceedings.

In this situation, we find no case made out warranting interference, at least at this stage. Writ Petition is, disposed of. No costs.

JUDGE

JUDGE

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