

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

CIVIL APPLICATION (CAC) NO.62/2012 IN C.R.A. 92/2000

Maqusudal Kabir Siddiqui

..Versus..

Indian Citizens Welfare Multipurpose Society, Nagpur, through its Secretary

Applicant : Deepak s/o Namdeo Dhamgaye

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

Court's or Judge's orders

Shri M.R. Johrapurkar, Adv. for intervenor - Shri Eknath Nimgade.
Shri A.P. Thakre, Adv. for intervenor - Shri Deepak Dhamgaye.
Shri U.A. Gosawi, Adv. for applicant - Shri Maqsudul Kabir Siddiqui.
Shri Anjan De, Adv. for non-applicant - Indian Citizens Welfare
Multipurpose Society and Shri Punjabrao Gaikwad.

CORAM : Z.A. HAQ, J.

DATE : 5.1.2015

Heard.

In the Civil Revision Application No.92/2000 the order passed
by the Executing Court in Regular Darkhast No.128/1998 has been
challenged. By the impugned order, the Executing Court has directed
the judgment debtor to execute the sale deed in favour of the decree

holder.

The Civil Application No.62/2012 is filed by Shri Deepak Namdeo Dhamgaye seeking permission to intervene in the proceedings. The contention of the applicant - Shri Deepak Namdeo Dhamgaye is that he has lent certain amount to the Trust which in turn is paid to the applicant (Shri Maqusudal Kabir Siddiqui) in the revision application. The alleged transaction between the applicant - Shri Deepak Namdeo Dhamgaye and the original applicant (Shri Maqusudal Kabir Siddiqui) is not the subject matter of the proceedings and it is a private transaction between the parties. The private transaction, if any, does not create any right in favour of the present applicant - Shri Deepak Namdeo Dhamgaye to participate in the proceedings. The application does not disclose the provision under which the permission can be granted. Shri A.P. Thakre, the learned advocate for the applicant - Shri Deepak Namdeo Dhamgaye has not been able to point out any provision under which the permission as prayed for can be granted. In view of this, the civil application is

dismissed. No costs.

The claim made by the applicant - Shri Deepak Namdeo Dhamgaye has not been adjudicated by this Court.

CIVIL APPLICATION (CAC) NO.61/2012 IN C.R.A. NO.222/2000.

This Civil Revision Application No.222/2000 is filed challenging the order passed by the Executing Court in Regular Darkhast No. 182/1999. By the impugned order, the Executing Court has rejected the execution proceedings filed by the applicant - Shri Maqsudul Kabir Siddiqui for recovery of the amount of Rs.27 Lakhs.

The Civil Application no.61/2012 is filed by Shri Deepak Namdeo Dhamgaye seeking permission to intervene in the proceedings. The contention of the applicant - Shri Deepak Namdeo Dhamgaye is that he has lent certain amount to the Trust which in turn is paid to the applicant in the revision application (Shri Maqusudal Kabir Siddiqui). The alleged transaction between the applicant - Shri Deepak Namdeo Dhamgaye and the original applicant (Shri Maqusudal Kabir Siddiqui) is not the subject matter of the proceedings

and it is a private transaction between the parties. The private transaction, if any, does not create any right in favour of the present applicant - Shri Deepak Namdeo Dhamgaye to participate in the proceedings. The application does not disclose the provision under which the permission can be granted. Shri A.P. Thakre, the learned advocate for the applicant - Shri Deepak Namdeo Dhamgaye has not been able to point out any provision under which the permission as prayed for can be granted. In view of this, the civil application is dismissed. No costs.

The claim made by the applicant - Shri Deepak Namdeo Dhamgaye has not been adjudicated by this Court.

CIVIL APPLICATION NO.2420/2003 IN C.R.A. NO.92/2000

This is an application filed by Shri Ganesh Builders under Order I rule 10 of the Civil Procedure Code praying for permission to intervene in the proceedings. None appears for the applicant. Civil application is dismissed for want of prosecution. No costs.

CIVIL APPLICATION NO.3280/2003 IN C.R.A. NO.92/2000

In the Civil Revision Application No.92/2000 the order passed by the Executing Court in Regular Darkhast No.128/1998 has been challenged. By the impugned order, the Executing Court has directed the judgment debtor to execute the sale deed in favour of the decree holder.

The present civil application is filed by Smt. Shashikala Balpande, Prashant Talokar, Smt. Subhadra Dandekar and Damodar Ganer - four persons contending that they had entered into an agreement of sale with original non-applicant - Indian Citizens Multipurpose Welfare Society for purchasing plots owned by the original applicant – Maqsudal Kabir Siddiqui. Undisputedly, the applicants (four persons) who have filed this civil application were not party to the proceedings before the trial Court. The applicants (four persons) have not given any explanation as to why they had not made any application before the trial Court seeking permission to participate in the proceedings. The applicants (four persons) have not given the

dates of the alleged agreement of sale. The application as filed by the applicants (four persons) does not disclose any right in their favour on the basis of which the permission as prayed for can be granted. The civil application is dismissed. No costs.

CIVIL APPLICATION NO.3281/2003 IN C.R.A. NO.222/2000

This Civil Revision Application No.222/2000 is filed challenging the order passed by the Executing Court in Regular Darkhast No.182/1999. By the impugned order the Executing Court has rejected the execution proceedings filed by the applicant - Shri Maqsudal Kabir Siddiqui for recovery of the amount of Rs.27 Lakhs.

The present civil application is filed by Smt. Shashikala Balpande, Prashant Talokar, Smt. Subhadra Dandekar and Damodar Ganer - four persons contending that they had entered into an agreement of sale with original non-applicant - Indian Citizens Multipurpose Welfare Society for purchasing plots owned by the original applicant – Maqsudal Kabir Siddiqui. Undisputedly, the applicants (four persons) who have filed this civil application were not

party to the proceedings before the trial Court. The applicants (four persons) have not given any explanation as to why they had not made any application before the trial Court seeking permission to participate in the proceedings. The applicants (four persons) have not given the dates of the alleged agreement of sale. The application as filed by the applicants (four persons) does not disclose any right in their favour on the basis of which the permission as prayed for can be granted. The civil application is dismissed. No costs.

CIVIL APPLICATION NO.3100/2003 IN C.R.A. NO.92/2000

This application is filed on behalf of the original non-applicant - Indian Citizens Welfare Multipurpose Society praying for permission to file Vakalatnama of advocate Shri A.G. Gharote without obtaining the consent of the earlier advocate Shri S.P. Kshirsagar who represented the original non-applicant - Indian Citizens Welfare Multipurpose Society. Shri Gharote and Shri Kshirsagar are absent.

Shri Anjan De, the learned advocate submits that he is representing the original non-applicant - Indian Citizens Welfare

Multipurpose Society and he has filed Vakalatnama after Civil Application No.3100/2003 was filed.

In view of these facts, the civil application is dismissed. No costs.

CIVIL APPLICATION NO.3101/2003 IN C.R.A. NO.222/2000

This application is filed on behalf of the original non-applicant - Indian Citizens Welfare Multipurpose Society praying for permission to file Vakalatnama of advocate Shri A.G. Gharote without obtaining the consent of the earlier advocate Shri S.P. Kshirsagar who represented the original non-applicant - Indian Citizens Welfare Multipurpose Society. Shri Gharote and Shri Kshirsagar are absent.

Shri Anjan De, the learned advocate submits that he is representing the original non-applicant - Indian Citizens Welfare Multipurpose Society and he has filed Vakalatnama after Civil Application No.3100/2003 was filed.

In view of these facts, the civil application is dismissed. No costs.

CIVIL APPLICATION NO.3064/2003 IN C.R.A. NO.92/2000

This is an application filed by Shri Eknath Dharmaji Nimgade praying that his name be substituted for the name of Shri Punjabrao Baliramji Gaikwad who is shown as Secretary of the original non-applicant - Indian Citizens Welfare Multipurpose Society. The applicant - Shri Eknath Dharmaji Nimgade has also prayed for other reliefs in this civil application.

Along with the civil application the copy of Schedule-I of the Public Trusts Register is filed. Endorsements on the copy of Schedule-I of the Public Trusts Register shows that the copy was obtained in April 2003. The above mentioned copy shows the name of the present applicant - Shri Eknath Dharmaji Nimgade as Secretary of the original non-applicant - Indian Citizens Welfare Multipurpose Society. The present applicant - Shri Eknath Dharmaji Nimgade has filed pursis dated 20th June, 2014 and along with it he has filed the copy of Schedule-I of the Public Trusts Register obtained in July, 2014. In this copy also the name of the present applicant – Shri Eknath

Dharmaji Nimgade is shown and his status is shown as Secretary of the original non-applicant - Indian Citizens Welfare Multipurpose Society.

The above mentioned facts show that the present applicant Shri Eknath Dharmaji Nimgade is a person interested in the original non-applicant - Indian Citizens Welfare Multipurpose Society, as contemplated by the provisions of Section 2(10) of the Maharashtra Public Trusts Act, 1950. However, the prayer as made by the applicant - Shri Eknath Dharmaji Nimgade for substituting his name for the name of Shri Punjabrao Baliramji Gaikwad cannot be granted.

The applicant - Shri Eknath Dharmaji Nimgade is permitted to participate in the proceedings as non-applicant no.2. The civil application is disposed of in the above terms. No costs.

CIVIL APPLICATION NO.3065/2003 IN C.R.A. NO.222/2000

This is an application filed by Shri Eknath Dharmaji Nimgade praying that his name be substituted for the name of Shri Punjabrao Gaikwad who is shown as Secretary of the original non-applicant -

Indian Citizens Welfare Multipurpose Society. The applicant - Shri Eknath Dharmaji Nimgade has also prayed for other reliefs in this civil application.

Along with the civil application the copy of Schedule-I of the Public Trusts Register is filed. Endorsements on the copy of Schedule of the Public Trust Register shows that the copy was obtained in April 2003. The above mentioned copy shows the name of the present applicant - Shri Eknath Dharmaji Nimgade as Secretary of the original non-applicant - Indian Citizens Welfare Multipurpose Society. The present applicant - Shri Eknath Dharmaji Nimgade has filed pursis dated 20th June, 2014 and along with it he has filed the copy of Schedule-I of the Public Trusts Register obtained in July, 2014. In this copy also the name of the present applicant – Shri Eknath Dharmaji Nimgade is shown and his status is shown as Secretary of the original applicant - Indian Citizens Welfare Multipurpose Society.

The above mentioned facts show that the present applicant Shri Eknath Dharmaji Nimgade is a person interested in the original

non-applicant - Indian Citizens Welfare Multipurpose Society, as contemplated by the provisions of Section 2(10) of the Maharashtra Public Trust Act, 1950. However, the prayer as made by the applicant - Shri Eknath Dharmaji Nimgade for substituting his name for the name of Shri Punjabrao Baliramji Gaikwad cannot be granted.

The applicant - Shri Eknath Dharmaji Nimgade is permitted to participate in the proceedings as non-applicant no.2. The civil application is disposed of in the above terms. No costs.

PURSIS STAMP NO.6452/2014 in C.R.A. NO.92/2000.

The pursis is filed placing on the record the copy of the order passed by the learned Joint Charity Commissioner on 30th April, 2014.

No orders are required on the pursis.

PURSIS STAMP NO.9874/2014 in C.R.A. NO.92/2000.

This pursis is filed placing on the record the copy of Schedule-I of the Public Trusts Register, copy of application and the copy of the order. Seen the pursis. No orders are required.

PUR SIS STAMP NO.10792/2014 in C.R.A. NO.222/2000.

This pursis is filed placing on the record the copy of the order passed by the learned Assistant Charity Commissioner on 23rd July, 2010. Seen the pursis. No orders are required.

PUR SIS STAMP NO.10793/2014 in C.R.A. NO.92/2000.

This pursis is filed placing on the record the copy of the order passed by the learned Assistant Charity Commissioner on 23rd July, 2010. Seen the pursis. No orders are required.

CIVIL APPLICATION NO.5/2014 in C.R.A. NO.222/2000

As the civil revision application is of 2000, the civil application praying for grant of early hearing is allowed. List the Civil Revision Application along with C.R.A. No.92/2000 for final hearing on **29th January, 2015.**

CIVIL APPLICATION NO.54/2014 IN C.R.A. NO.92/2000

This is an application filed by Shri Punjabrao Baliramji Gaikwad

who represents the original non-applicant - Indian Citizens Welfare Multipurpose Society. The applicant, by this application, has prayed that permission be refused to Shri Eknath Dharmaji Nimgade to participate in the proceedings. In view of the order passed on Civil Application No.3064/2003, this application does not survive. The application is dismissed accordingly. No costs.

JUDGE