

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

WRIT PETITION NO.4655 OF 2015

(Dr. Deepak s/o Bapuraoji Punse ..vs.. The learned Assistant Charity Commissioner, Wardha 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 : Z.A. HAQ, J.

DATED : 12-08-2015

Heard Shri F.T. Mirza, learned Advocate for the petitioner and Shri D.M. Kale, learned Assistant Government Pleader for the respondent No.1.

2. The grievance of the petitioner is that the respondent Nos.2 to 11 are not connected with the affairs of the Trust and therefore, their application under Section 73A of the Maharashtra Public Trusts Act, 1950 could not have been allowed.

3. In paragraph 6 of the impugned order, the learned Assistant Charity Commissioner has considered the relevant facts and has recorded *prima facie* findings that the respondent Nos.2 to 11 can be permitted to participate in the proceedings.

4. The learned Advocate for the petitioner has expressed an apprehension that the findings recorded by the learned Assistant Charity Commissioner may

adversely affect the decision of the change report which is pending. The apprehension of the petitioner is ill-founded. The findings recorded by the learned Assistant Charity Commissioner including the finding that respondent Nos.2 to 11 are members of the Trust are *prima facie* for considering the eligibility and entitlement of the respondent Nos.2 to 11 to participate in the proceedings. The findings recorded by the Assistant Charity Commissioner do not decide the rights of the parties.

5. With these observations, the petition is disposed. No costs.

JUDGE

pma