

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.390 OF 2016

Gajanan Shikshan Prasarak Mandal,
Khanapur (Chitta),
Tq. & Dist-Hingoli,
Through its Secretary,
Vitthal s/o Bhagwanrao Solanke
and another.

...PETITIONERS

VERSUS

Laxman Jalbaji Waghmare,
Age-60 years, Occu:Agri.,
R/o-Khanapur (Chitta),
Tq. & Dist-Hingoli,
and others.

...RESPONDENTS

...

Mr.S.R. Barlinge Advocate for Petitioners.

...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 13TH JANUARY, 2016

ORDER :

1. The learned counsel appearing for
Petitioners states that the Respondents have

secured the order in Enquiry No.322 of 2015 on the basis of so-called compromise arrived at between the parties. It is further contention of the Petitioners that Petitioners who are holding the charge of the affairs of the trust, were intentionally not made parties to the proceedings and that order has been secured behind their back. It is further contention of the Petitioners that the Respondents have practiced fraud upon the trust authorities in securing the order in their absence.

2. Since the order has been issued in the absence of the Petitioners, neither the compromise nor the order passed by the Assistant Charity Commissioner shall bind the Petitioners or shall have any effect on the right and entitlement of the Petitioners. If, according to the Petitioners, while securing the order fraud has been practiced, it is established principle of law that the fraud, if any, vitiates the order or the proceedings.

3. In the facts and circumstances of this case, this Petition can be disposed of with observation that the order passed on the basis of compromise, shall not bind the Petitioners and shall not have any effect on their rights and entitlement. It would be open for the Petitioners to avail of the appropriate remedies for redressal of their grievances.

4. With the above observations, the Writ Petition stands disposed of.

[A.I.S. CHEEMA, J.]

asb/JAN16

[R.M. BORDE, J.]