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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4726 OF 2016

Khushal Sitaram Jadhav & Others PETITIONERS

VERSUS

Vasant Vidyalaya & others RESPONDENTS

.....

Mr. R. R. Sancheti h/f Mr. R. R. Mantri, Advocate for petitioners

Mr. S. N. Kendre, AGP for respondent-State

Mr. G. A. Gadhe, Advocate for respondent No.1

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WITH

CIVIL APPLICATION NO.5888 OF 2016

IN

WRIT PETITION NO.4726 OF 2016

Vishwanath Sitaram Jadhav APPLICANT

VERSUS

Khushal Sitaram Jadhav & Others RESPONDENTS

.....

Mr. G. A. Gadhe, Advocate for applicant

Mr. S. N. Kendre, AGP for respondent-State

Mr. R. R. Sancheti h/f Mr. R. R. Mantri, Advocate for R-1 to 3

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 4th MAY, 2016

COMMON ORDER :

1. Heard learned advocates for the parties.
2. While order granting interim relief had been passed, it had not realized that the petitioners have moved before the Assistant Charity Commissioner to implead themselves as applicants in the

proceedings.

3. Learned advocate for the respondent No.2 – applicant in the civil application points out that the situation is unpalatable to the legal position, for the reason that the petitioners cannot be said to be reporting trustees and as such, cannot be applicants in concerned change report. At the most, if they wish to, they can be regarded as respondents in the proceedings. To this extent, he is conceding to the position and no further.

4. Mr. Gadve, learned advocate further draws attention to the fact that under an order by Joint Charity Commissioner, the Assistant Charity Commissioner has been obligated to decide proceedings by 31st May, 2016 and this perhaps has been skipped to be referred to.

5. Learned advocates reconcile to the position on instructions of their respective clients.

6. Having regard to aforesaid, the situation can be suitably mended and amended and application, which has been rejected by the Assistant Charity Commissioner filed on behalf of the petitioners to add themselves as applicants in the proceedings, in view of the submissions, be suitably modified instead of

getting entangled into technicalities that the writ petitioners be added as respondents to the proceedings pending before Assistant Charity Commissioner.

7. As such, the writ petition can be disposed of with direction that the application Exhibit-28 in Inquiry No.1370 of 2009 filed on behalf of the petitioners for impleading themselves as applicants in Inquiry No.1370 of 2009 before Assistant Charity Commissioner, Nanded should be considered as an application for adding themselves as respondents to the proceedings before Assistant Charity Commissioner, and they be added as party respondents and treatment to the application be given accordingly. Since respondent No.2 in the writ petition – applicant in the civil application does not have any serious objection to the same, the impugned order stands set aside and instead it is replaced by modification that the application Exhibit-28 is allowed to the extent that petitioners be impleaded as party respondents in Inquiry No.1370 of 2009. Accordingly, the proceedings be proceeded with.

8. Writ petition, as well as civil application, as such, stand disposed of in aforesaid terms.

[SUNIL P. DESHMUKH, J.]