

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 5004 OF 2016

Dnyanoba Narayanrao Jawale

.. Petitioner

vs

The Assistant Charity Commissioner and anr.

.. Respondents

Mr. Vinayak D. Hon, senior advocate i/by Mr. Arun R. Vyawahare,
Advocate for petitioner

Mr. S.N. Kendre, Asstt. Government Pleader for respondent no.1

Mr. D. J. Choudhari, Advocate for caveator-respondent no. 2

CORAM : SUNIL P. DESHMUKH, J.

DATE : 3rd May, 2016

ORDER :

1. Heard Mr. Hon, learned senior advocate and Mr. D. J. Choudhari, learned counsel for caveator-respondent no. 2.

2. Petition has been moved purportedly aggrieved by order dated 22-04-2016 whereunder the Assistant Charity Commissioner has rejected the request of the petitioner under Exhibit - 65 seeking to summon the witnesses referred to therein.

3. After hearing learned counsel for sometime, the position emerges that the application is a bare application without any explanation as to under what circumstances witnesses are required

to be summoned when the matter before the Assistant Charity Commissioner is expedited under the orders of the division bench in writ petition no. 10183 of 2013, passed in 2014 and finally extended by order in January, 2016.

4. The request for summons for evidence to said witnesses, is without any efforts to bring them before the authority as witnesses, and the authority's intervention straight-away is sought.

5. It is contended on behalf of respondent no.2 that, as a matter of fact, witness no. 1 is from the side of the petitioner and the evidence of witness no. 2 has been declined under the orders of division bench and as far as witness no. 3 is concerned, he has been examined and is being cross examined.

6. The contention of the petitioner is that these are not the reasons for which application has been rejected and appears to have been overwhelmed by that there is an order to decide the matter within stipulated time and as such the order is unsustainable.

7. Having regard to aforesaid background, I am not inclined to indulge into the request being made.

8. Writ petition, as such, is rejected. However, this order may not come in the way of the petitioner to make efforts to secure presence of the witnesses and adduce their evidence. If such

efforts are made within a period of one week, the same will be looked into on the basis of the facts, circumstances and law, by the authority. It is made clear that this should not affect stipulation set by division bench for decision in the matter.

SUNIL P. DESHMUKH,
JUDGE

pnd