

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

907 WRIT PETITION NO. 6489 OF 2015

With

Civil Application No.13046 of 2016

**BHAGWAN AMRUTRAO GAIKWAD
VERSUS
SANGRAM JALABA WAGHMARE AND OTHERS**

Shri. S.S. Thombre, Advocate, for petitioner.

Smt. Anjali Dube, Advocate, for respondent Nos.1 to 10.

Shri. S.N. Kendre, Assistant Government Pleader, for
respondent Nos.11 and 12.

Shri. M.S. Karad, Advocate, for applicant in CA No.
13046/2016

CORAM: T.V. NALAWADE, J.

DATE : 27 SEPTEMBER 2016

ORDER:

1) The petition is filed to challenge the orders made on Exhibits 24 and 25 in Revision No.17/2011. Present petitioner had filed application before the Joint Charity Commissioner to send the petition itself to handwriting expert as it is his contention that some petitioners like petitioner Nos.3,5,6,7 and 8 of the revision

petition have not signed on the petition or the Vakalatnama. In all 9 members have filed the revision.

2) The learned Joint Charity Commissioner has observed that if at all there is some grievance he can use powers given to him under section 73 of the Evidence Act and there is no need to send the proceeding itself for comparison to the handwriting expert. Learned counsel for the petitioner placed reliance on one decision given by this Court at Principal Seat dated 19-10-2013 in **Writ Petition No.8066/2011 (Shrikant v. Bajrang)**. In that case, in view of the facts of that case, this Court held that comparison through expert was necessary.

3) In the present matter following things are important.

(I) When petitioner is not the signatory he was requesting to the Joint Charity Commissioner to send the documents to handwriting expert.

(II) Admittedly, Sangram, who, according to the present petitioner, is the main person behind the proceeding, is a member of the trust, he is a person interested in the Trust. In view of this, he alone also could have filed the proceeding to challenge the change report.

In view of these circumstances, the ultimate result of the comparison will not affect the proceeding itself.

4) In view of the aforesaid circumstances this Court holds that there is no possibility of interference in the order made by the learned Joint Charity Commissioner. So, the petition stands dismissed. All points are kept open. Due to dismissal of the writ petition, Civil Application No.13046/2016 also stands disposed of.

Sd/-
(T.V. NALAWADE, J.)

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