

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.515/2015

Kisan s/o Chafla Rathod and others
...Versus...
Atmaram s/o Chafla Rathod and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.S. Dhore, Advocate for petitioners

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.
DATE : 28.01.2016

The petitioners are aggrieved by the order dated 17.12.2014 passed by the learned Assistant Charity Commissioner, Yavatmal rejecting an application filed by them for issuance of directions against the respondents to produce certain documents on record.

The petitioners have filed proceedings under Section 41 A of the Maharashtra Public Trusts Act, 1950 and in those proceedings, the aforesaid application came to be filed. The said application has been rejected on the ground that it was for the petitioners who were applicants to prove their case and therefore such directions could not be issued.

Shri A.S. Dhore, the learned Counsel for the petitioners submitted that as the proceedings were under Section 41 A of the said Act, it was necessary for the learned

Assistant Charity Commissioner to have directed production of the documents, as required. He submitted that the said documents related to grants received by the Society and the same were in custody of the respondents. Hence, production of the same was necessary.

Having perused the application filed on record, no fault can be found with the impugned order rejecting the application in question. The petitioners being the applicants in proceedings under Section 41 A of the said Act, it was for them to place on record relevant material on the basis of which the proceedings could be decided. The burden in that regard was on the petitioners. This aspect has been rightly considered in the impugned order.

Considering the interlocutory nature of the order and the fact that there is no legal ground to interfere with the same, the writ petition stands dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar