

(1)

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

WRIT PETITION NO.7998 OF 2014

National Welfare Trust,
bearing Registration No.F-609,
Through it's Secretary,
Mohd. Kalimurraheman S/o.
Mohd. Zillurraheman,
Age: 50 years, Occu: Advocate,
R/o. Kazi Darwaza, Beed

..PETITIONER

VERSUS

1. Mohd. Sirajoddin s/o
Safdar Ali Deshmukh,
Age: 65 years, Occu: Agri.,
R/o. Deshmukh Galli,
Beed
2. Shaikh Nazir Shaikh Mahemood,
Age: 55 years, Occu: Agri.,
R/o. Mali Galli, Azizpoora,
Beed
3. Masiyoddin s/o Amjadoddin Farooqui,
Age: 65 years, Occu: Pensioner,
R/o. Juna Bazar, Near Qadar Pasha
Masjid, Beed

..RESPONDENTS

Mr S. S. Kazi, Advocate for petitioner;
Mr M. K. Deshpande, Advocate for respondent No.1;
Mr M. M. Patil (Beedkar), Advocate fore respondent Nos.2 & 3

CORAM : NITIN W. SAMBRE, J.

DATE : 9th November, 2017

ORAL ORDER

Heard.

(2)

2. The impugned order dated 23rd July, 2014, passed by Assistant Charity Commissioner, Beed, on application (Exhibit 21), directs addition of present respondents no.2 and 3 i.e. applicants no.2 and 3 in application Exhibit-21 as co-applicants in Change Report Inquiry No.1461 of 2011.

3. The order impugned *prima facie* does not appear to be sustainable as it is for the applicant to the Change Report as to whom he should add as party respondent or co-applicant. This, however, would not preclude the respondents from demonstrating that their participation in the proceedings is required and as such, they are necessary parties i.e. objector or non-applicants to the change report for proper decision on the same.

4. In view of aforesaid, keeping it open for the respondents to object to the Change Report, present petition stands allowed. The order impugned is thus quashed and set aside.

(NITIN W. SAMBRE, J.)

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