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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

**WRIT PETITION NOS.5019/2017,
5020/2017 & 5175/2017**

Devidas Satwaji Patil.
...Petitioner..

Versus

Deepakraj Shrimantrao Kotle
and another.
...Respondents...

.....
Shri V.D. Gunale, Advocate for petitioner.
Shri M.B. Bharaswadkar, AGP for respondent no.2.
.....

CORAM: M.S. SANKLECHA, J.

DATE: 17.04.2017

ORDER :

1] Writ Petition No.5175/2017 being not on Board, upon mentioning, taken up for consideration alongwith Writ Petition Nos.5019/2017 and 5020/2017, in respect of identically worded impugned orders dealing with applications for condonation of delay in filing three

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change reports under the Bombay Public Trusts Act, 1950.

2] The three impugned orders dated 22.6.2016 passed by the Assistant Charity Commissioner have allowed the applications for condonation of delay in filing change reports. This is done by following the decision of this Court in *Madanrao Nanasaheb Chavan v. State of Maharashtra & others* (2003 (1) Bom.C.R., 447) wherein the Court has observed,

"The delay in filing of a change report should therefore be condoned as a matter of course, unless there are special reasons not to do so."

3] I see no reason to interfere with the impugned orders inasmuch as they have followed the decision of this Court in *Madanrao Nanasaheb Chavan* (supra).

4] At this stage, Mr.Gunale, learned counsel appearing for the petitioner, seeks to withdraw all the three petitions with liberty to file appropriate applications before the Assistant Charity Commissioner, as according to him, the common petitioner in these three petitions was not heard and the impugned orders affect him.

5] The petitions are allowed to be withdrawn with the aforesaid liberty. However, it is made clear that if the

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applications are made, the Assistant Charity Commissioner will deal with the same in accordance with law without being uninfluenced by the fact that liberty has been granted to the petitioner to make such applications. The application/s, if filed, will be dealt with on its own merits.

6] Petitions are dismissed as withdrawn with aforesaid liberty. No order as to costs.

(M.S. SANKLECHA, J.)