

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO. 4991 OF 2017**

Nazir Nabisaheb Alase

..Petitioner

Vs.

Smita Dilip Kumar Chavan & Anr

..Respondents

Mr. Akshay Petkar a/w Mr. Kaustubh Thipsay for the Petitioner

Mr. V. B. Naik Senior Advocate a/w Mr. Sukand Kulkarni for the Respondent No.1

Mrs. V. S. Nimbalkar AGP for the Respondent No.2

CORAM : R. M. SAVANT, J.

DATE : 1st MARCH, 2017

P.C.

1 The Order dated 5-12-2016 passed by the Assistant Charity Commissioner, Sangli Division, Sangli, rejecting the application Exhibit 10 filed in Change Report No.787 of 2016, filed by the Petitioner, is taken exception to by way of the above Petition. The said application Exhibit 10 has been filed by the Petitioner who is the objector in respect of Change Report No.787 of 2016 filed by the Respondent No.1 herein who is the Reporting Trustee. The application has been rejected on the ground that the said documents are not relevant and that the objector has always an opportunity to cross-examine the Reporting Trustee in respect of the Change Report.

2 However, notwithstanding the rejection of the application vide the impugned order dated 5-12-2016, the Learned Senior Counsel appearing on behalf of the Respondent No.1 Mr. Naik states that the notices covered by item Nos.1 and 3 of the application Exhibit 10 are already on record in Change

Report No.520 of 2016 as they have been placed on record by the objectors in the said Change Report who are also objectors in the present Change Report proceedings. The Learned Senior Counsel also states that it is only the proceedings relating to the said meetings covered by item Nos.1 and 3 which are required to be furnished to the Petitioner. The Learned Senior Counsel on instructions states that the said proceedings would be furnished to the Petitioner tomorrow i.e. 2-3-2017 when the matter is to come up before the Assistant Charity Commissioner. Statement accepted.

3 In so far as Item No.2 of the said Exhibit 10 is concerned, the Learned Senior Counsel would contend that the said documents are not relevant as the Change Report in question i.e. Change Report No.787 of 2016 is founded on the decisions taken in the General Body Meeting dated 3-5-2016 and Executive Council Meeting dated 12-5-2016. Hence in so far as the Item No.2 of the said Exhibit 10 is concerned, the impugned order is confirmed and would operate in so far as the said Item No.2 in the said Exhibit 10 is concerned.

4 Subject to the above, no case for interference is made out. The Writ Petition is accordingly dismissed. However the hearing of the Change Report proceedings are expedited.

[R.M.SAVANT, J]