

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

WRIT PETITION NO.879 OF 2016

WITH

WRIT PETITION NO.880 OF 2016

WITH

WRIT PETITION NO.881 OF 2016

WITH

WRIT PETITION NO.883 OF 2016

(AMRUTLAL FAGUJI LANJEWAR & 7 OTH...VS.. DR. JEETSINGH BHOLARAM PATLE & OTH.)

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

Court's or Judge's orders

Shri H.M.Sakhare, Advocate for Petitioners.
Shri A.P.Thakre, Advocate for Respondent No.1.
Ms Shamsi Haider, A.G.P. for Respondent No.2.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 10, 2017.

Heard.

2. The petitioners have challenged the order passed by the Assistant Charity Commissioner allowing the application filed by the respondent No.1 and permitting him to transpose his name as reporting trustee / applicant. The respondent No.1 filed application seeking permission to get his name transposed as the original reporting trustee Bholaramji Patle died during pendency of the proceedings.

3. The learned advocate for the petitioner has submitted that the respondent No.1 is neither trustee nor member of the public trust and therefore, he cannot be permitted to prosecute the proceedings. It is submitted that this objection is taken by the petitioners, however, it is not considered.

4. Keeping the objection raised by the petitioners to the locus of the respondent No.1 to prosecute the proceedings open, the impugned order is maintained. Only because the respondent No.1 is permitted to prosecute the proceedings, it should not be construed that the Assistant Charity Commissioner has held that the respondent No.1 has locus to prosecute the proceedings.

5. With the above observation, the petition is disposed. In the circumstances, the parties to bear their own costs.

JUDGE

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