

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

SECOND APPEAL NO.176 OF 2013

KU. GEETA SHIVRAM BORKAR
VS
BHIMRAO RAMDAS MESHARAM AND OTHERS

AND

SECOND APPEAL NO.180 OF 2013

KU. GEETA SHIVRAM BORKAR
VS
BHIMRAO RAMDAS MESHARAM 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 S. D. Abhyankar, Advocate for the appellants
Shri S. B. Bissa, Assistant Government Pleader for respondent no.7 in
SA/176/13 and respondent no.10 in SA/180/2013.

CORAM : A.S. CHANDURKAR, J.
DATED : JULY 14, 2017.

In these appeals, the order dated 11-3-2013 passed by the learned District Judge in proceedings under Section 72(1) of the Maharashtra Public Trust Act, 1950 are under challenge. The learned District Judge dismissed the application and maintained the order of remand passed by the learned Joint Charity Commissioner dated 23-2-2012. The proceedings were remanded to the learned Assistant Charity Commissioner for deciding Change Report Nos.98/2004 and 1121/2004 in the context of Change Report

No.530/2003 that was pending before said Authority.

Shri S. D. Abhyankar, learned Counsel for the appellants submits that the Enquiry No.530/2003 was decided by the learned Assistant Charity Commissioner on 15-11-2014 and the Change Report filed by the appellants came to be accepted. In view of this adjudication, he submits that the purpose of remand has been served and challenge to the adjudication in the change reports deserves to be entertained on merits.

There is no appearance on behalf of the contesting respondents though they are duly served. None had appeared on behalf of the contesting respondents even on the earlier date.

The learned Joint Charity Commissioner by order dated 23-2-2012 had remanded the proceedings in Change Report No.1121/2004 and Change Report No.98/2004 for being decided in the context of Change Report No.530/2003. As Change Report No.530/2003 has now been decided, it would be necessary for the learned Joint Charity Commissioner to reconsider Appeal No.50/2007 and Appeal No.49/2007 afresh in the light of adjudication in Change Report No.530/2003. On this short ground, the orders passed by the learned Joint Charity Commissioner, Nagpur and learned District Judge, Bhandara are quashed and set

aside. The proceedings in Appeal Nos.50/2007 and 49/2007 are remanded to the learned Joint Charity Commissioner for fresh adjudication in accordance with law.

Needless to state that the respective contentions of the parties are kept open for adjudication.

The appeals are accordingly partly allowed and disposed of.

JUDGE

/MULEY/