

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

WRIT PETITION NO. 5249 OF 2016

(SAU NIRMALA DADARAO KANTODE & ANR....VS.. ARUN PUNJABRAO DESHMUKH & 7 OTH.)

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

Court's or Judge's orders

Shri V.A.Dhabe, Advocate for Petitioners.
Shri P.A.Gode, Advocate for Respondent No.1.

CORAM : Z.A.HAQ, J.

DATED : APRIL 26, 2017.

Heard.

The petitioners have challenged the order passed by the learned Joint Charity Commissioner by which the application filed by them praying that other side be directed to file affidavit in lieu of the evidence is rejected.

The contention of the petitioners is that they have filed affidavits in lieu of evidence and therefore, in equity the other side should also be directed to file affidavits in lieu of the evidence. The advocate for the petitioners has not been able to point out any provision which enables the authority to issue such directions.

The learned Joint Charity Commissioner has relied on the provisions of Rule 11 of the Maharashtra Public Trusts Rules, 1951 for rejecting the application. The conclusions of the learned Joint Charity Commissioner are proper and cannot be faulted with.

Apart from this, the impugned order is dated 9th November, 2015. Though advocate for the petitioners states that steps were taken on behalf of the petitioners to get the matter heard, docket speaks otherwise and it shows that the matter was listed earlier and it was adjourned twice on the request on behalf of the petitioners. I see no reason to interfere with the impugned order.

The petition is **dismissed**.

If the proceedings before the Joint Charity Commissioner are got adjourned by the petitioners on the ground that this writ petition is pending, the petitioners shall deposit Rs.2,000/- per adjournment. The amount shall be deposited with the High Court Legal Services Sub-Committee, Nagpur and the receipt shall be produced on record of the proceedings before the Joint Charity Commissioner, Nagpur within one month.

If the petitioner fails to produce receipt showing payment as above, the learned Joint Charity Commissioner shall pass appropriate orders against the petitioner considering it to be non-compliance of the order passed by this Court.

JUDGE