

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1265 OF 2018

Mr.Rajaram Shankarrao Konde & Ors. ...Petitioners

Vs.

Shivbhumi Shikshan Mandal through
Sangram D.Konde & Ors. ...Respondents

Mr.A.S. Shalgaonkar for Petitioners.

Coram : G.S.KULKARNI, J

Date : 12th FEBRUARY 2018

P.C.

Heard learned Counsel for the petitioners.

2. The order challenged in this petition is an order dated 5th December 2017 passed by the Deputy Charity Commissioner, Pune, whereby the application of the petitioners for impleading them as necessary party to the proceedings of the change report has been dismissed on the ground that the list of members as filed by the petitioners and placed on record of the Deputy Charity Commissioner does not pertain to the respondent-trust which has registration No.E-210, but pertains to a trust which has registration No.E-217. Learned Deputy Charity Commissioner has accordingly held that the petitioners are not concerned with the trust in question which has the registration No.E-210 and hence, has rejected the application.

3. Learned Counsel for the petitioners in assailing the impugned order contends that the observations made by the Deputy Charity Commissioner on the basis of the list of members which is on the letter head of the respondent-trust has a typographical error in registration No.P.T.R. No.E-217 and in fact, it ought to have been P.T.R. No.E-210. He submits that only on such consideration, the impugned order ought not to have been passed.

4. I have perused the list which is on the letter head of a trust which is known as Shivbhumi Shikshan Mandal. The letter head mentions registration No.E-217. According to the petitioners, if it is a typographical mistake, then surely it would be permissible for the petitioners to place on record of the learned Deputy Charity Commissioner appropriate documents and/or an affidavit to contend that the list as filed by the petitioners is regarding the respondent-trust which has registration No.E-210.

5. The petition is accordingly disposed of with liberty to the petitioner to file appropriate application before the learned Deputy Charity Commissioner to place on record all the appropriate documents and raise contentions in that regard.

6. Let such application be filed before the Deputy Charity Commissioner within two weeks from today.

7. All contentions of the parties on merits of the application as may be filed by the petitioners are expressly kept open.

8. Needless to observe that if such an application is made, learned Deputy Charity Commissioner shall decide the same on its own merits and without being influenced by the impugned order dated 5th December 2017.

9. Petition is accordingly disposed of in the above terms. No costs.

10. As the petitioners are senior citizens, learned Deputy Charity Commissioner shall consider expeditious disposal of such application.

(G.S.KULKARNI, J)