

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

WRIT PETITION NO.7108 OF 2016

Pandit Krishna Patil & Ors.

.. Petitioners

Vs.

Dattatraya Nivrutti Gole & Ors.

.. Respondents

Mr.Chetan Patil for the petitioners.

Mr.Sangramsingh Yadav for the respondent nos.1, 4, 6, 7 & 10.

CORAM : R.D. DHANUKA, J.

DATE : 30th July 2018

P.C.:

. The petitioners had filed an application for condonation of delay in filing the appeal arising out of the order passed under Section 22 of the Maharashtra Public Trusts Act, 1950 (for short “the said Act.”)

2. I have perused the averments made in the application for condonation of delay and I have heard the learned counsel for the parties. In view of the petitioners had sufficiently explained the reasons for delay of 133 days in filing the appeal arising out of the order passed under Section 22 of the said Act. The learned Joint Charity Commissioner ought to have condoned the delay in the impugned order dated 26th March 2015.

3. I therefore pass the following order :-

- (i) The impugned order dated 26th March 2015 passed by the learned Joint Charity Commissioner is set aside.
- (ii) Application for delay of 133 days filed by the petitioner is condoned.

- (iii) The learned Joint Charity Commissioner shall hear and dispose of the said Appeal bearing Misc. App.No.19 of 2012 expeditiously on its own merit without being influenced by the observations made and the conclusions drawn in the impugned order dated 26th March 2015 after following the principles of natural justice.
- (iv) It is made clear that this Court has not expressed any views on the issue as to whether the said appeal bearing Misc. App.No.19 of 2012 filed by the petitioner has any merit or not.
- (v) All contentions of the parties on merits are kept open.
- (vi) Writ petition is allowed in aforesaid terms. No order as to costs.
- (vii) Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.