

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3166 OF 2018

(Dharamraj s/o Bhaurao Wandile & Anr. vs. Assistant Charity Commissioner, Wardha & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
Z.A. HAQ, JJ.
JUNE 12, 2018.**

Heard Shri S.K. Bhoyar, learned counsel for the petitioners and Mrs. K.R. Deshpande, learned AGP for respondent No. 1.

2. The District Judge, Wardha, framed a Scheme in 1969. Petitioner No. 1 has assumed charge of Trustee in pursuance of that Scheme. Petitioner No. 2 claims to be interested person. Both of them have moved an application under Section 47 of the Maharashtra Public Trust Act, 1950, (hereinafter referred to as the Act) for appointment of Trustees before the District Judge, Wardha, vide MANJRE No. 118 of 2014. The contention in the petition is said proceedings before the District Judge are without jurisdiction.

3. In the prayer clause (I) in the petition, the challenge is to the judgment dated 26.11.1969 in Civil Suit Trust Case No. 4 of 1964.

4. A perusal of Section 50(j) of the Act reveals that for settlement of a Scheme or for variation or alteration therein, a Suit can be instituted as stipulated therein.

5. In this situation, we find the challenge raised by the petitioners misconceived. It is accordingly rejected. No order as to costs.

JUDGE

JUDGE

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