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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

923 WRIT PETITION NO.4298 OF 2019

VISHNU VITHALRAO GIRHE AND OTHERS
VERSUS
THE ASSISTANT CHARITY COMMISSIONER JALNA AND
ANOTHER

...

Advocate for Petitioners : Mr. Choudhary D.J. & Mr. Bhise
Bhausahab B

Advocate for Respondent No.2 : Mr. Vijay V. Deshmukh

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**CORAM : P.R. BORA, J.
DATED : 04th APRIL, 2019.**

PER COURT:-

. The petitioners have filed the present petition challenging the order below Exhibit-76 passed by the Assistant Charity Commissioner, Jalna on 08.03.2019 in Enquiry Application No.797 of 2010. The aforesaid application Exhibit-76 was filed by the petitioners for permitting them to intervene in the pending proceedings of the change report in respect of the subject trust numbered as Enquiry Application No.797 of 2010. The learned Assistant Charity Commissioner has rejected the application on the ground that the petitioners are not found the persons interested in the affairs of trust.

2. The learned counsel for the petitioners submitted

that the petitioners have also filed two change reports in respect of the subject trust and the same are pending before the learned Assistant Charity Commissioner for consideration. According to the learned counsel, filing of two change reports by the present petitioners is a prima facie circumstance showing that the petitioners are having interest in the affairs of trust. The learned counsel submitted that the finding recorded by the learned Assistant Charity Commissioner in the matter in hand to the effect that the petitioners are not found interested persons and therefore not entitled to be joined as a party in the proceeding would also have an adverse effect on the merits of the two change reports filed by the present petitioners and which are still pending before the learned Assistant Charity Commissioner. The learned counsel in the circumstances, prayed for setting aside the impugned order and to allow the application filed by the petitioners to intervene in the change report numbered as Enquiry Application No.797 of 2010.

3. Shri Deshmukh, the learned counsel appearing for respondent no.2 opposed the submissions made on behalf of the petitioners. The learned counsel submitted that the learned Assistant Charity Commissioner has passed

a well reasoned order and no interference is required in the order so passed. The learned counsel, therefore, prayed for rejecting the petition.

4. I have given due consideration to the submissions made on behalf of the petitioners as well as the respondents. I have also perused the impugned order and the other material placed on record. It is the contention of the petitioners that they are life members of the Rameshwar Shikshan Sanstha and they have deposited the amount of Rs.1,000/- towards the life membership of the said Sanstha. It is also contended by the learned counsel appearing for the petitioners that the petitioners have also filed two change reports bearing number as 764 of 2010 and 839 of 2012 and both the change reports are pending for consideration before the learned Assistant Charity Commissioner. The fact as aforesaid has not been denied or disputed by the other-side. It appears to me that the aforesaid fact is a prima facie circumstance in favour of the petitioners to show that they are interested persons in the affairs of the trust. In the circumstances, the learned Assistant Charity Commissioner must have allowed the application filed by the present petitioners to intervene in the Enquiry Proceedings No.797 of 2010. The petition therefore deserves to be

allowed.

5. It is further brought to my notice that this Court has directed to finally decide the present proceedings i.e. Enquiry Application No.797 of 2010 expeditiously and the period stipulated for its decision is likely to get over within next three weeks or one month. In the circumstances, a request is made to extend the said period. In view of the submissions made, the following order is passed:

ORDER

- i) The impugned order dated 08.03.2019 passed by the learned Assistant Charity Commissioner is set aside. Consequently, the application filed by the present petitioners at Exhibit-76 is allowed.
- ii) The learned Assistant Charity Commissioner may make a request for extension of time to dispose of Enquiry Application No.797 of 2010 if, he is unable to decide the said application within the period stipulated by this Court in the earlier writ petition which would certainly be considered by this Court.
- iii) The writ petition is allowed in the aforesaid terms.

(P.R. BORA, J.)