

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

**WRIT PETITION NO. 4483 OF 2019 WITH  
WRIT PETITION NO. 4484 OF 2019 WITH  
WRIT PETITION NO. 4485 OF 2019 WITH  
WRIT PETITION NO. 4486 OF 2019 AND**

**YADNYESHWAR RATIKANT KULKARNI  
VERSUS  
ANANT PRABHAKAR BARVE**

...

**WRIT PETITION NO. 11762 OF 2019**

**YADNYESHWAR RATIKANT KULKARNI  
VERSUS  
ANANT PRABHAKAR BARVE AND ANOTHER**

Advocate for the Petitioner : Shri N. S. Tekale h/f.  
Shri R. R. Raghuwanshi  
Advocate for Respondent No. 1 : Ms. A. N. Ansari  
AGP for Respondent No. 2 : Shri S. R. Yadav – Lonikar  
(in WP No. 11762/2019)

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**CORAM : RAVINDRA V. GHUGE, J.**

**DATED : 26<sup>th</sup> SEPTEMBER, 2019.**

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***PER COURT :***

1. In all these matters, the petitioner who claims to be a lifetime shooting registered member of the trust and National Player of Pistol Shooting Sport associated with the trust Aurangabad District Rifle Association, is aggrieved by the order dated 14/08/2018 passed by the learned Assistant Charity

Commissioner, Aurangabad. By identical four orders passed in four change report enquiry proceedings, the delay ranging from 2 years to 17 years, have been condoned by imposing costs.

2. I have considered the strenuous submissions of the learned Advocates for the respective sides. I have gone through the petition paper book with their assistance.

3. I have also considered the application dated 01/07/2017 seeking condonation of delay in filing the change reports with regard to the elections held on 4 different occasions in a period of 15 years from 2000 till 2015. Though the learned Advocate for the respondent has made a valiant attempt to support the impugned orders, I find with regard to the elections held prior to the year 2015, that the delay is of longer durations. In one case, the delay is of about 16 years and 9 months, in another case it is about 11 years and in yet another case it is about 5 years. In the last case, the delay is of about 1 year and 11 months.

4. In the first three petitions, I find that the delay is quite large and the applications seeking condonation of delay, are so vague and cryptic that there is hardly any reason assigned for the condonation of delay. The only reason assigned in the said application containing two sentences, is that the reporting trustee does not have the knowledge of law and because of his ignorance of law, the delay has been caused. The delay in the last change report enquiry case is of 1 year, 11 months and 25 days bearing Misc. Application No. 1833/2017.

5. Though the law on condonation of delay is well settled and though a pedantic view is not to be taken, the ratio laid down by the Honourable Apex Court in the matter of *Collector, Land Acquisition, Anantnag v/s. Mst. Katiji*, AIR 1987 SC 1353 and *Esha Bhattacharjee v/s Managing Committee of Raghunathpur Nafar Academy*, (2013) 12 SCC 649, is clear that unless there are sufficient and convincing reasons, the delay cannot be condoned mechanically or on sympathetic grounds.

6. In Writ Petition No. 6078/2015 decided at Nagpur in the

matter of *Shri Andieo Vithoba Dongre and anr. Vs. The Deputy Charity Commissioner and anr.*, it was held in the judgment dated 10/02/2017 that such change reports which are hopelessly delayed, cannot be entertained.

7. In view of the above, Writ Petition Nos. 4483/2019, 4485/2019 and 4486/2019 are allowed. The impugned orders condoning inordinate delay stand quashed and set aside and the three proceedings in view of this order, stand closed.

8. *Insofar* as Writ Petition No. 4484/2019 is concerned, and though the same reason has been assigned, I find that the delay of 1 year, 11 months and 25 days cannot be termed as being inordinate or so large that the order of condonation of delay could be set aside. The Trial Court has assigned reasons while condoning the delay and the learned Joint Charity Commissioner Aurangabad, Appellate Authority, has also appreciated the submissions canvassed by the parties.

9. In view of the above, Writ Petition No. 4484/2019 stands dismissed. The impugned order can not be termed as

being perverse or erroneous.

10. *Insofar* as Writ Petition No. 11762/2019 is concerned, the same is rendered infructuous in view of the fact that the order dated 14/08/2018, condoning delay of 16 years and 9 months has been set aside and the proceedings have been closed.

11. In view of the above, Writ Petition No. 11762/2019 stands disposed off as being infructuous.

12. The learned Advocate for the petitioner submits that since this Court has sustained the order of condonation of delay with regard to the change report in which the delay was of only 1 year and 11 months, a request is being made that the governing body of the trust would consider the case of the petitioner for permission to participate in various State and National events of pistol shooting.

13. I find that the request is fair and it is a question of the career of a sports person. The Governing Council of the trust

and especially the Commissioner of Police Aurangabad who is the ex-officio President of the trust would personally look into this matter and do the needful in order to ensure that the career of a sports person is not jeopardized due to the internal squabbles amongst the trust Members.

**(RAVINDRA V. GHUGE, J.)**

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