

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 WRIT PETITION NO.4162 OF 2018

JAMNER TALUKA EDUCATION SOCIETY, JAMNER, THROUGH
SECRETARY SURESH MANOHAR DHARIWAL

VERSUS

ABAJI S/O NANA PATIL AND OTHERS

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Advocate for Petitioner : Mr. Ashish P. Deshmukh h/f
Mr. Deshmukh Sachin S.

Advocate for Respondent Nos. 1 to 3 : Mr. V. D. Salunke

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CORAM : V. K. JADHAV, J.

DATED : 17th December, 2019

PER COURT:-

1. Learned counsel for the respondents submits that at the behest of the respondents, change report no. 1491 of 2016 has been submitted and is now pending before the Deputy Charity Commissioner, Jalgaon. Learned counsel submits that this Writ petition has been preferred against the order passed by the Deputy Charity Commissioner refusing to grant adjournment to the petitioner herein and also forfeiting the right of the petitioner to cross-examine the witnesses of the respondents. Learned counsel, on instructions from the respondents, submits that the respondents are having no objection if the petitioner is given one opportunity to cross-examine the witnesses of the respondents.

2. The said change report is of the year 2016. This Writ Petition is also pending since 2018 and this Court has also granted interim relief and in terms of the said interim relief, the proceedings before the Deputy Charity Commissioner have been stayed. In view of the above submissions, this Writ Petition can be disposed off by giving certain directions to the learned Deputy Charity Commissioner before whom the said change report is pending. Hence, the following order:

ORDER

- I. The Writ Petition is hereby partly allowed.
- II. The order dated 03.01.2018 passed below Exhibit 47 by the Deputy Charity Commissioner, Jalgaon, is hereby quashed and set aside.
- III. The application Exhibit 47 is allowed in terms of its prayer clause. The petitioner herein is permitted to cross-examine the witnesses of the respondents.
- IV. The Deputy Charity Commissioner shall dispose off the pending change report as expeditiously as possible, preferably within a period of six months from today. The petitioner shall not

seek any adjournment for trifling reasons and shall cross-examine the witnesses of the opponent at the earliest.

V. The Writ Petition is accordingly disposed off.

(V. K. JADHAV, J.)

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