

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10172 OF 2019

VISHNU VITTHALRAO GIRHE AND OTHERS
VERSUS
THE ASSISTANT CHARITY COMMISSIONER AND OTHERS

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Advocate for Petitioners : Shri Choudhary D.J.
AGP for Respondent 1 : Shri Munde S.W.
Advocate for Respondent 2 : Shri Deshmukh V.V.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 16, 2019

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PER COURT :-

1. The learned Advocate for the petitioners submits that respondents 3 to 5 are supporting the petitioners and their names can be deleted. As such, deletion is permitted at the risk of the petitioners and is allowed to be carried out forthwith.

2. I have considered the submissions of the learned Advocates for the petitioners, respondent 2 and the learned AGP.

3. By the impugned order dated 3.4.2019, the learned Assistant Charity Commissioner, Jalna has rejected application Exhibit 167 filed by the petitioners, seeking permission to be arrayed as respondents in Enquiry No. 764 of 2010 under Section 2(10)(d) of

the Maharashtra Public Trusts Act.

4. I find that the impugned order is passed rejecting the application purely on the ground that the petitioners have nowhere pleaded that they are the members of the Society Shri Rameshwar Shikshan Sanstha, registered under the Societies Registration Act, 1860 and hence, they are not required to be considered as being interested persons. However, in the very opening paragraph of the impugned order, the learned Court has noted that these petitioners have filed the application under Section 73-A of the Trusts Act to join them as respondents to the proceedings as they are legal Life Members of the Trust and are interested persons.

5. It is obvious that the learned authority has lost sight of this aspect.

6. In view of the above, the impugned order dated 3.4.2019 is quashed and set aside and application Exhibit 167 is restored in Enquiry No.764 of 2010.

7. The learned authority below would rehear the submissions of all the parties on application Exhibit 167 on/or before 30.9.2019 and the learned authority shall decide Exhibit 167 by considering all the

contentions of the parties on/or before 19.10.2019.

(RAVINDRA V. GHUGE, J.)

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