

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7127 OF 2019

VENKUBAI GANGARAM WAGHMARE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Panpatte V.s.
AGP for Respondents : Mrs. G. L. Deshpande

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CORAM: S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE: 23rd SEPTEMBER, 2019

PER COURT:

1. The caste claim of the petitioner is invalidated on the ground that the petitioner has not established the relationship with the person who has executed the document of the Sale Deed relied by the petitioner. The petitioner also did not submit any other document except the school record of his brother's son. It is also observed by the committee that the petitioner could not prove the relationship. The manner of proving the genealogy / relationship is provided under the Indian Evidence Act, 1872. It also appears from

the record that time to time opportunity was given to the petitioner but the petitioner failed to avail the opportunity.

2. It also appears that the vigilance was not conducted. Apart from the documents, the vigilance also includes home enquiry the same ought to have been conducted by the committee.

3. Considering the fact that the matter involves social status of the petitioner, we are inclined to grant one more opportunity to the petitioner, however the petitioner deserves to be mulct with costs.

4. In light of the above, we pass the following order.

5. The impugned order is quashed and set aside. The parties are relegated before the Committee on condition that the petitioner pays the cost of Rs.10,000/- (Rs. Ten Thousand only). The cost shall be deposited with the High Court Bar

Association, Aurangabad. If the cost is deposited as directed, the committee shall decide the proceedings afresh. The petitioner shall appear before the committee on 10.10.2019. The petitioner is also given opportunity to produce additional documents and prove the relationship of the persons whose document the petitioner is relying. If the cost as directed above is not deposited within the stipulated period i.e. on or before 10.10.2019, then the petition stands dismissed. On deposit of cost as directed above, the committee shall decide the proceedings on its own merits, preferably within a period of six (06) months from the date of appearance of the petitioner.

6. Writ Petition stands disposed of accordingly.
No costs.

[ANIL S. KILOR, J.] [S. V. GANGAPURWALA, J.]

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