

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.9122 OF 2018  
WITH WP/9123/2018 WITH WP/9125/2018  
AND WP/9130/2018

KISHAN YASHWANT JORVEKAR  
VERSUS  
CHALISGAON EDUCATION SOCIETY AND ANOTHER

...

Advocate for Petitioner : Shri Barde P.V.  
Advocate for Respondent 1 in WP 91222018 and  
Respondents 1 & 2 in other Petitions : Shri Shendurnikar P.S.

...

CORAM : RAVINDRA V. GHUGE, J.  
Dated: February 06, 2019

...

PER COURT :-

1. These identically placed petitioners are aggrieved by the identical orders dated 17.5.2018, by which, the individual applications filed by these petitioners in the respective Change Report Enquiry proceedings, seeking addition as respondents under Section 73A read with Section 2(10) of the Maharashtra Public Trusts Act, have been rejected.

2. I have considered the submissions of the learned Advocates for the respective sides. The respondents strenuously pray that these petitions be dismissed with heavy costs as the petitioners have no nexus with the Change Report Enquiry proceedings.

3. I find from the impugned orders that the learned Deputy Charity

Commissioner has rejected the said applications on the ground that there are no pleadings in the application filed by these petitioners to suggest any evidence, which would indicate that they are necessary for the proper adjudication of the proceedings.

4. Learned Advocate for the petitioners submits that on account of insufficient pleadings in the said application, the authority below has rejected the same. He prays that the petitioners would file a fresh application with proper pleadings and the authority below may consider the same on its own merits.

5. Though, learned Advocate for the respondents opposes this request, he submits that eventually if this Court permits the petitioners to tender a fresh application, the respondents would oppose the said application and all objections in this context may be kept open.

6. I am of the view that, though such a permission is normally not granted, these are such cases, in which the petitioners have failed to submit such evidence that the authority below would be convinced that they would be necessary for the adjudication of the pending proceedings. On this count, the petitioners can be put to terms that this would be the last opportunity to file an application under Section 73A of the said Act.

7. Considering the peculiar facts as above and without laying down any precedent, these petitions are disposed off with liberty to the petitioners to file applications under Section 73A of the said Act. Needless to state, all objections of the respondents herein are kept open and the authority below would consider the said application strictly in accordance with the law applicable.

( RAVINDRA V. GHUGE, J. )

...

akl/d