

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

**WRIT PETITION NO.12312 OF 2017**

LOK KALYAN SHIKSHAN SANSTHA, MANDANE,  
TALUKA SHAHADA, DISTRICT NANDURBAR THROUGH  
IT'S SECRETARY JIJABARAO TARACHAND PAWAR

VERSUS

ASHOK S/O RAMCHANDRA PATIL AND ANOTHER

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Advocate for Petitioner : Mr Deshmukh Sachin S.

Advocate for Respondents : Mr Patil Sandesh R.

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CORAM : V.K. JADHAV, J.

Dated: December 04, 2019

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**PER COURT :-**

1. By consent of the parties, heard finally at admission stage.

2. The petitioner is the original applicant in change report no.417 of 2013 which is pending before the Assistant Charity Commissioner, Nandurbar. During the course of the inquiry of the change report, present petitioner has filed an application exh.26 to exhibit the documents as referred in paragraph No.5 of the affidavit-of-evidence. The learned Assistant Charity Commissioner, Nandurbar by impugned order dated

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21/22.8.2017 rejected the said application. Hence, this writ petition.

3. Learned counsel for the petitioner submits that the learned Assistant Charity Commissioner, Nandurbar has allowed the application Exh.20 filed by the petitioner herein for production of the original documents, xerox copy of which were already produced alongwith the change report. The learned Assistant Charity Commissioner, Nandurbar has allowed the said application. Learned counsel submits that in paragraph no.5 clause 'C' of the affidavit-of-evidence, petitioner has given a specific reference to those documents. Though, it was brought to the notice of the Assistant Charity Commissioner, Nandurbar that inadvertently said documents remained to be exhibited after production of its original, the learned Assistant Charity Commissioner has rejected the said application. Learned counsel submits that even those documents were confronted to the witnesses and they have admitted those documents.

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4. Learned counsel appearing for the respondents supports the order passed by the Court below. Learned counsel submits that petitioner though filed an application Exh.26 for exhibiting the documents referred in paragraph no.5 of his affidavit-of- evidence in its entirety, however, he restricts his submissions to the extent of paragraph no.5 clause 'C' now. Learned counsel submits that if the petitioner restricted his claim to the extent of the documents as referred in paragraph no.5 clause 'C' of his affidavit-of-evidence, appropriate order kindly be passed.

5. In view of the above submissions and since the originals are produced and even witnesses have not disputed about genuineness of those documents, there was no reason for the learned learned Assistant Charity Commissioner to reject the said application exh.26 to the extent of the documents referred in paragraph no.5 clause 'C' of the affidavit-of-evidence filed by the petitioner. Hence, I proceed to pass the following order.

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**ORDER**

- I. Writ petition is hereby allowed.
- II. The impugned order dated 21.8.2017 passed by the Assistant Charity Commissioner, Nandurbar below Exh.26 in Inquiry No.417 of 2013 is hereby quashed and set aside.
- III. Application Exh.26 is allowed to the extent of the documents as referred in paragraph No.5 clause 'C' of the affidavit-of-evidence of the petitioner herein.
- IV. Writ Petition accordingly disposed off.

**( V.K. JADHAV, J. )**

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