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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 10008 OF 2017
WITH
CIVIL APPLICATION NO. 1944 OF 2017
IN
WRIT PETITION NO. 10008 OF 2017**

Shri Natha Bhojling Bhise .. Petitioner
Vs.
Shri Jijaba Bhaurao Chavan & Anr. .. Respondents

Ms. Smita R. Kadu for the Petitioner.
Mr. Siddharth Ronghe for Respondent No.2.

CORAM : V. L. ACHLIYA, J.
DATE : 20th FEBRUARY, 2019.

P. C. :

1. Being aggrieved by order dated 09.06.2016 passed by Assistant Charity Commissioner, Pune Division, Pune, the Petitioner has preferred this Petition under Article 227 of the Constitution of India. By the impugned order the learned Assistant Charity Commissioner has rejected the application (Exhibit 110) filed by Petitioner to exhibit the documents and to postpone the cross-examination of Opponent No.1.
2. Heard learned Counsel for the Petitioner and Respondent No.2. Perused the impugned order as well as various orders passed in the matter from time to time.

3. Having considered the submission advanced in the light of overall facts of the case and orders passed in the matter and the reasons recorded by learned Assistant Charity Commissioner, while passing the impugned order, I am of the view that the order calls for no interference in exercise of writ jurisdiction under Article 227 of the Constitution of India. The order passed by Assistant Charity Commissioner is reasoned and well within the four corners of law. There is absolutely no illegality or perversity in the order passed.

4. It appears from the face of the record that the proceeding for acceptance of change report filed by Petitioner is pending before the Assistant Charity Commissioner, Pune since the year 2006. The Affidavit by way of examination-in-chief of Petitioner was tendered way back in the year 2009. From 2009 onwards the case remained pending for recording evidence of the Petitioner. During the recording of the evidence of Petitioner, various applications were filed. One of such application to adduce the secondary evidence was filed in the year 2011. The said application was allowed vide order dated 30.09.2011. Thereafter the application was moved to recall the witness. The said application was decided vide order dated 13.04.2015 and the original documents were directed to be marked as exhibits. After the period of more than 5 years, when the evidence of the Opponent was in progress, the application came to be tendered on the part of Petitioner to postpone the cross-examination

of Opponent No.1 and exhibit the documents of the Petitioner. The said application dated 16.04.2016 came to be rejected vide order dated 19.06.2016 which is impugned by way of present Petition.

5. It appears that the Petitioner had earlier filed Civil Revision Application No.553 of 2016 before this Court and challenged the impugned order. Same was withdrawn on 21.12.2016 with liberty to file appropriate proceedings. Under the pretext of Civil Revision Application pending before the High Court, repeated adjournments were obtained from Assistant Charity Commissioner. After withdrawing Revision Petition, the present Petition has been filed challenging same order. It appears that the Petitioner is adopting delay tactics to protract the hearing of case pending before the Charity Commissioner. The impugned order is well reasoned and suffers from no illegality or perversity so as to call for interference in exercise of writ jurisdiction under Article 227 of the Constitution of India. I am, therefore, not inclined to entertain the Petition. Accordingly, the Petition is dismissed with no order as to costs.

6. In view of disposal of Petition, Civil Application No. 1944 of 2017 stands disposed of in terms of order passed in the main Petition.

[V. L. ACHLIYA, J.]