

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

WRIT PETITION NO. 10073 OF 2018

Kailash Parasrampur V/s. State of Maharashtra & Ors.	...	Petitioner Respondents
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Mr.Ankit Lohia a/w. Ms.Meenal Deshmukh and Mr.Mohan Jadhav for
Petitioner.

Mr.S.D. Rayrikar, AGP for Respondent Nos.1 and 2-State.

Mr.Anil S. Patel for Respondent Nos.3 and 4.

CORAM : A.S. GADKARI, J.

DATE : 23rd July 2019.

P.C. :

1] By the present petition, the petitioner has impugned Order dated 07/02/2018 passed by the learned Charity Commissioner Maharashtra State, Mumbai, in Revision Application No. 246 of 2016, thereby setting aside Order dated 19/01/2016 passed by the learned Assistant Charity Commissioner (Hosp.), Greater Mumbai Region, Mumbai, passed below Exhibit-15 allowing the application of the petitioner, for intervention, in Change Report No.DY-CC-1986/2007.

2] Heard Mr.Lohia, the learned counsel for petitioner, Mr.Rayrikar, the learned A.G.P. for respondent Nos.1 & 2, and Mr.Patel,

the learned counsel for respondent Nos.3 and 4. Perused the record annexed to the petition.

3] It is an admitted fact on record that, the petitioner is a member of the respondent No.3-Trust. The respondent No.3-Trust is also registered as a Society under the provisions of the Societies Registration Act 1860. The definition of Section 2(10)(d) of the Maharashtra Public Trusts Act, 1950, squarely applies to the petitioner. The Charity Commissioner has failed to take into consideration the said vital aspect of the matter and has proceeded with presumptions and assumptions, while reversing the Order passed by the learned Assistant Charity Commissioner (Hosp.), Greater Mumbai Region, dated 19/01/2016.

4] In view of the above, impugned Order dated 07/02/2018 passed by the learned Charity Commissioner, Maharashtra State, Mumbai, is hereby quashed and set-aside and the Order dated 19/01/2016 passed below Exhibit-15 in Change Report No.DY-CC-1986/2007 by the learned Assistant Charity Commissioner (Hosp.), Greater Mumbai Region, Mumbai, is upheld.

5] Petition is allowed in the aforesaid terms.

[A.S. GADKARI, J.]