

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5695 OF 2019

Premchand Dnyanu Patil Petitioner

VERSUS

Joint Charity Commissioner & ors. Respondents

Mr. Prabhanjan Gujar, Advocate for the Petitioner.

Mr. S.D. Rayrikar, AGP for Respondent No. 1.

Mr. Umesh Pawar, Advocate for Respondent No. 2 to 6.

CORAM : S. S. SHINDE J.

DATED : 3rd May, 2019

P.C.

1. Learned counsel appearing for the petitioner make a statement that in case the petitioners are allowed to deposit Rs. 10,000/- within one week from today, in compliance of the order passed by the Assistant Charity Commissioner, Kolhapur Region while allowing the application No. 14/2017 filed by the petitioner, in that case the petitioner is ready to deposit the said amount within one week from today.

2. Learned counsel appearing for Respondents No. 2 to 6 vehemently opposed the prayer of the petitioner. It is submitted that, as a matter of fact all witnesses were examined and matter is pending at the stage of final hearing before the Assistant Charity Commissioner Kolhapur Region,

Kolhapur. Therefore, he submits that, petition may be rejected.

3. After appreciating rival contentions and upon perusal of the operative part of the order passed by the Joint Charity Commissioner, Kolhapur, this Court is of the opinion that the ends of justice would be met by passing following order:-

- (i) The impugned order dated 13th March 2019 passed by the Joint Charity Commissioner (Respondent No. 1) to the extent of granting three days time for depositing amount of Rs. 10,000/- is modified and time to deposit the said amount stands extended till 10th May 2019. Remaining part of the impugned order stands confirmed.
- (ii) In case, petitioner deposit Rs. 10,000/- on or before 10th May 2019, the Respondent No. 1 to allow the petitioner to cross examine the Respondent No. 2 on 13th May 2019. Recording of such cross examination shall be completed on 13th May 2019 itself or on consecutive days. The parties shall extend full co-operation for early disposal of the proceedings. No prayer for further adjournment shall be entertained by the said authority unless there are exceptional circumstances. Thereafter, Respondent No. 1 shall proceed to take final decision in pending proceedings forthwith.

- (iii) It is made clear that, if the petitioner fails to deposit Rs. 10,000/- on or before 10th May 2019 with the Respondent No. 1, then clause 3 of the impugned order shall get automatically reviewed and no prayer for further extension of time to deposit aforesaid amount will be entertained.
- (iv) With the aforesaid observations, writ petition stands disposed of.
- (v) Parties to act upon authenticated copy of this order.

[S.S. SHINDE, J.]