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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6783 OF 2019**

Yateemkhana and MadrasaPetitioner
Anjuman Khairul Islam Trust through
its Reporting Trustee

V/s.

Mohamed Moghees Gohar and anotherRespondents

Mr. D. D. Madon Senior Advocate with Mr. Rahul S. Kadam for the
Petitioner
Mr. D. N. Salvi for respondent no. 2

CORAM : NITIN W. SAMBRE, J.

DATE : JUNE 21, 2019.

P.C.

In the change report proceedings initiated under the Maharashtra Public Trust Act, 1950, an application for intervention moved by the respondents came to be allowed. Petitioners are questioning these orders dated 25/01/2019 Annexure 'H' 'K' 'N' on the ground that respondents who are permitted to be impleaded as interveners are not necessary party to the proceedings. Placing

reliance upon the Judgment of this Court at Panji Bench in the matter of **Maria Emilia Barreto Mascarenhas & others Vs. Sushma Ruzar Fernandes & others [2006 SCC OnLine Bom 43]** particularly paragraph 5 & 6, the learned counsel submits that the petitioners are *dominus status* and that being so, they have every right to maintain appropriate party to the proceedings. According to him, if a party is not impleaded, consequences will follow and in that view of the matter, orders impugned are not sustainable.

2 Having perused the order impugned, what is noticed is respondent is granted right of audience having regard to the fact that respondent no. 1 was nominated as trustee from 23/08/2011 to 08/06/2012.

3 The law on the issue of intervener's right is well settled as the intervener cannot claim any relief in the proceeding in question. The nature of proceedings pertaining to change report under Section 22 of the Maharashtra Public Trust Act, 1950. As such, principle of Code of Civil Procedure are not applicable in stricto sense.

4 In that view of the matter, order impugned in my opinion does not warrant any interference. Petition fails, dismissed.

[NITIN W. SAMBRE, J.]