

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

WRIT PETITION NO. 8509 OF 2018

Rahul Ramchandra Dhane & Ors.	...	Petitioners
V/s.		
Devraj Babaso Patil & Ors.	...	Respondents

Mr.Dilip Bodake for Petitioners.
Mr.Nalawade i/b. Mr.Ajay Khairnar for Respondent Nos.1, 2 and 7.
Mr.P.B. Shah i/b. Mr.K.P. Shah for Respondent No.8.
Mr.S.D. Rayrikar, AGP for Respondent Nos.9 and 10.

CORAM : A.S. GADKARI, J.

DATE : 23rd July 2019.

P.C. :

1] By the present petition under Article 227 of the Constitution of India, the petitioners have taken exception to the Order dated 29/05/2018 passed below Exhibit-7 in Revision Application No.23 of 2018 filed under Section 70-A of the Maharashtra Public Trusts Act, 1950, rejecting the said application, by the learned Joint Charity Commissioner, Pune Region, Pune, on the ground that the said revision was barred by the law of limitation.

2] Heard Mr.Bodake, learned counsel for the petitioner, Mr.Shah, learned counsel for the respondent Nos.8, Mr.Nalawade, learned counsel for the respondent Nos.1, 2 & 7 and Mr.Rayrikar, learned AGP for the respondent Nos.9 & 10.

3] The record indicates that, by an Order dated 20/03/2002 the Assistant Charity Commissioner, Satara at Oras, accepted Change Report No.320 of 2002 pertaining to Shri Martand Devsthan Trust Committee, Pal, Tqluka Karad, District Satara.

Feeling aggrieved by the acceptance of the said Change Report, the petitioners preferred the aforestated Revision Application No. 23 of 2018 before the learned Joint Charity Commissioner, Pune Region, Pune. The record further clearly indicates that, undoubtedly there was a delay of 16 years and 2 months in filing the said revision application. The Joint Charity Commissioner i.e. Repondent N0.9 has rejected the said application on the ground of delay and latches as noted earlier.

4] Mr.Bodake, the learned counsel for the petitioners contended that, as soon as the petitioners got knowledge of passing of the said Order dated 20/03/2002 by the respondent No.10, they immediately

preferred the said revision.

The said contention cannot be accepted for a plain and simple reason that, if the petitioners claim to be devotees of the said Shri Martand Devsthan and beneficiaries of the trust, then they would have certainly got knowledge of the Change Report within reasonable time. The inordinate delay in preferring revision shows their lack of devotion and participation therein.

5] The Respondent No.10 accepted Change Report No.320 of 2002 by its Order dated 20/03/2002 and the petitioners thereafter got up from the deep slumber after a period of more than 16 years. The said inordinate and colossal delay caused in preferring the said revision has not been properly explained, least to say satisfactorily explained by the petitioners. A safe inference therefore can be drawn that, the petitioners are neither beneficiaries of the trust nor devotees of the said devsthan, diligent in pursuing their alleged rights enumerated under the Bombay Public Trusts Act.

6] After perusing the impugned order, this Court is of the considered view that, the learned Joint Charity Commissioner has appreciated all the necessary facts and has rightly rejected the revision

on the ground of delay. I find no reason to interfere with the said Order.

7] Petition is accordingly rejected.

8] It is to be noted here that, the observations made herein are in context of the decision of the present petition impugning Order dated 29/05/2018 passed below Exhibit-7 in Revision Application No.23 of 2018 filed under Section 70-A of the Maharashtra Public Trusts Act, 1950, by the learned Joint Charity Commissioner, Pune Region, Pune.

[A.S. GADKARI, J.]