

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10452 OF 2018

Dhairyasheel Shivajirao Bhosale ...Petitioner

Versus

Rajaram Bapusaheb Magdum & ors. ...Respondents

Mr. Bhooshan R. Mandlik, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED: 21st JUNE, 2019

PC:-

1. Heard Mr. Mandlik, the learned Counsel for the Petitioner.

2. This petition take exception to an order passed by the learned Ad-hoc District Judge – 2, Kolhapur, in Miscellaneous Civil Application No.65 of 2012 (Exhibit 19), whereby the prayer of the Petitioner to implead the Charity Commissioner as party Respondent to the said proceedings instituted under Section 72 of the Maharashtra Public Trust Act, 1950 (before its deletion by the Maharashtra Act No.55 of 2017), came to be rejected.

3. From the perusal of the impugned order, it becomes abundantly clear that the Respondents to the said proceedings had made a statement that they waived the plea

of non-joinder of the Charity Commissioner to the said proceedings. Even otherwise, the impleadment of the authority which passed the order impugned does not seem to be necessary for a complete and effectual adjudication of the said proceedings.

4. In view of the above, the petition stands rejected.

[N. J. JAMADAR, J.]