

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

**WRIT PETITION NO. 8635 OF 2019**

Shri Seth Sakharam Nemchand Jain  
Aushadhalay and Rugnalay Trust  
through President

.... Petitioner

**Versus**

Mr. Dipak Shankarrao Aaherkar

.... Respondent

.....

Mr. Surel S. Shah for the Petitioner.  
Mr. I.M. Khairdi for the Respondent

**CORAM : UJJAL BHUYAN, J.**

**DATE : 10<sup>th</sup> DECEMBER, 2019**

**P.C.**

Heard Mr. Surel Shah, learned counsel for the petitioner  
and Mr. Khairdi learned counsel for the respondent.

2. The challenge in this Writ Petition is to the order dated  
3<sup>rd</sup> July, 2019 passed by the learned Assistant Charity Commissioner-3,  
Solapur Region, Solapur in respect of Change Report No. 478/2012.

3. This Court vide order dated 13th August, 2019 had issued  
notice for final disposal. While issuing notice, It was prima facie  
observed that the aforesaid order was contrary to the provisions of

Section 73 r/w Section 22 of the Maharashtra Public Trust Act, 1950. Consequently, the said order was stayed.

4. Learned counsel for the respondent fairly submits that Writ Petition may be allowed in terms of prayer clauses (B) & (C).

5. At this stage, it may be mentioned that the application below Exhibit 114 filed by the petitioner for issuing witness summons to examine one witness of the petitioner was turned down by the Assistant Charity Commissioner-3, Solapur Region Solapur vide the impugned order.

6. After hearing learned counsel for parties and on due consideration, impugned order dated 3<sup>rd</sup> July, 2019 is hereby set-aside. Consequently, the application below Exh.114 in Change Report No.478/2012 is allowed. Assistant Charity Commissioner-3, Solapur Region, Solapur shall do the needful within a period of 2 months from the date of furnishing of an authenticated copy of this order.

7. Writ Petition is disposed of accordingly.

**( UJJAL BHUYAN, J. )**