

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.187 OF 2019

(JAIRAJ WASURAORAO NAIDU...VS.. GULAB RODBAJI SUPARE & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.A.Gode, Advocate for Petitioners.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 15, 2019.

Heard.

The petitioner has challenged the order passed by the learned Joint Charity Commissioner by which application (Exh.12) filed by him seeking permission to lead additional evidence is dismissed. The petitioner had filed report of change as per Section 22 of the Maharashtra Public Trusts Act, 1950 informing the Assistant Charity Commissioner about the change alleged to have occurred because of the elections held in general body meeting in 2009. The learned Assistant Charity Commissioner has rejected the change report filed by the petitioner. One of the grounds for rejecting the change report is that the respondent No.1 -Gulab Rodbaji Supare whose name appeared in Schedule-I of the Public Trusts Register was not given notice of the meeting in which election was held. The petitioner has filed appeal before the Joint Charity Commissioner to challenge the order passed by the Assistant Charity Commissioner. In this appeal, the petitioner filed application (Exh.12) contending that while shifting the records of the public trust in November 2017 he found resignation letter of the respondent No.1-Gulab Rodbaji Supare, dated 11th March 1992 with the

endorsement “Resignation Accepted”. According to the petitioner, the fact of resignation by the respondent No.1-Gulab Rodbaji Supare on 11th March 1992 is relevant to decide the controversy and if the petitioner can prove that the respondent No.1-Gulab Rodbaji Supare had given resignation letter dated 11th March 1992 then the ground raised by the respondents that notice of meeting dated 12th July 2009 was not given to the respondent No.1-Gulab Rodbaji Supare would not survive.

Even if the submission made on behalf of the petitioner is accepted, I find that the petitioner has not been able to show that the respondent No.1-Gulab Rodbaji Supare did not participate in the administration of the public trust after 11th March 1992. It is not disputed that the name of the respondent No.1-Gulab Rodbaji Supare continues in Schedule-I of the Public Trusts Register till today.

In these facts, I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE