

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2070 OF 2018

Prabhu Janglu Ingle and anr.

-vs-

Prabhuji Zangoji Ingle and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Ram Karode, Advocate for petitioners.

Shri A. J. Gilda, Advocate for respondent No.1.

Shri A. M. Kadukar, Assistant Government Pleader for
respondent No.2.

CORAM : A.S.CHANDURKAR, J.

DATE : August 23, 2019

The challenge raised in the present writ petition is to the order dated 09/02/2018 passed by the learned Joint Charity Commissioner in proceedings under Section 41-D of the Maharashtra Public Trusts Act, 1950 (for short, the said Act). By that order dated 09/02/2018 it has been observed that the preliminary objection raised by the respondent No.1 herein would be considered along with the merits of the matter. Being aggrieved by that direction the said order has been challenged.

2. Shri R. Karode, learned counsel for the petitioner submits as the charges have been framed against the respondent No.1 on 04/12/2017 and as it has also been observed that the objections raised by the respondent No.1 would be considered in the main proceedings, directions can be issued to the learned Joint Charity Commissioner to decide

the said proceedings expeditiously. He submits that the said proceedings were filed in the year 2015 but there has been no further adjudication.

3. Request has been made on behalf of the respondent No.1 for grant of time. However considering the nature of order proposed to be passed it is not necessary to adjourn the hearing of the writ petition. In the facts of the case, interest of justice would be served by directing expeditious consideration of the application that has been filed by the petitioner herein under Section 41-D of the said Act. While deciding such proceedings the observations made in the impugned order that the preliminary objection raised by the respondent No.1 would also be considered along with the merits of the matter shall be taken into account.

4. Accordingly the writ petition is disposed of by directing the learned Joint Charity Commissioner to decide Application No.11/2015 expeditiously and preferably by the end of March 2020. All contentions of the parties on merits are kept open. No costs.

JUDGE