

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

WRIT PETITION NO.3998/2019

Vivekanand Seva Sangh, Lehgaon

..Vs..

Shriram Asaramji Bansod and others

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

Court's or Judge's orders

Shri U.J. Deshpande, Advocate for the petitioner.
Shri P.R. Agrawal, Advocate for respondent Nos.1 and 2.

CORAM : Z.A. HAQ, J.

DATED : 12.6.2019.

Heard.

The petitioner had filed change report under Section 22 of the Maharashtra Public Trusts Act informing the alleged change in the constitution of Executive Committee. According to the petitioner (reporting trustee), the persons whose names were mentioned in the change report were elected in the meeting held on 15th January, 2001. There was delay of about 7 years 8 months and 10 days in filing the change report. Hence, an application praying for condonation of delay was also filed. By order dated 8th January, 2018 learned Deputy Charity Commissioner condoned the delay. The change report was rejected by the learned Deputy Charity Commissioner recording that the reporting trustee had failed to prove that notices of the meeting alleged to have been held on 15th January, 2001 were not issued to the members. The Deputy Charity

Commissioner further recorded that the evidence brought on record by the reporting trustee was not sufficient to hold that the elections were held on 15th January, 2001.

Being aggrieved by the order passed by the Deputy Charity Commissioner, the reporting trustee / petitioner had filed appeal before the Joint Charity Commissioner. This appeal is dismissed by the impugned order. Learned Joint Charity Commissioner has independently examined the evidence on record and has concurred with the findings of fact recorded by the Deputy Charity Commissioner. Learned Joint Charity Commissioner has recorded that the reporting trustee relied on the evidence of Shri Pralhad Deshmukh to substantiate that the trustees regarding whom the change report was filed, were elected in the meeting held on 15th January, 2001. The reporting trustee claimed that Shri Pralhad Deshmukh was member of the Executive Committee after 1996 and was present in all the meetings. Learned Joint Charity Commissioner has recorded that the minutes of meetings dated 12th May, 1996, 2nd August, 1996, 13th August, 1996 and 27th August, 1996 create a doubt about presence of Shri Pralhad Deshmukh in those meetings, as it appeared that his name was added subsequently in the gap between two lines.

Learned Advocate for the petitioner, at the time of hearing, has pointed out affidavit of Shriram Asaram Bansod filed in subsequent proceedings. It is submitted that this witness does not claim that the

petitioner has admitted that minutes of meetings referred above are written by this witness. The copy of deposition of Shriram Asaram Bansod, on which the petitioner relies, is not placed on record of this petition. It is not known in what context Shriram Asaram Bansod gave the admission. It is not known whether it was pointed out to Shriram Asaram Bansod that name of Shri Pralhad Deshmukh appears to be written subsequently. Otherwise also, the present respondents are not given opportunity to meet this submission made on behalf of the petitioner. Hence, in my view, it would not be appropriate to consider the submission made on behalf of the petitioner relying on the deposition of Shriram Asaram Bansod.

Considering the material placed on record of the petition, I find that the concurrent findings of fact recorded by the subordinate Authorities cannot be faulted with. The petitioner has not been able to point out any illegality or perversity in the considerations of the subordinate Authorities which necessitates interference by this Court in the extra-ordinary jurisdiction. I see no reason to interfere with the impugned order. The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.