

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

WRIT PETITION NO.3882/2019

Pinkeshwar Sudhakar Rao Rathod

..Vs..

Gopal Banshilal Malpani 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 S.D. Abhyankar, Advocate for the petitioner.

CORAM : Z.A. HAQ, J.

DATED : 6.6.2019.

Heard.

By the impugned order, application filed by the respondent Nos.1 and 2 under Section 73A of the Maharashtra Public Trusts Act, 1950 (for short "the Act of 1950") is allowed and they are permitted to participate in the proceedings before the Assistant Charity Commissioner. The contention on behalf of the petitioner is that the reason recorded by learned Assistant Charity Commissioner in paragraph No.10 of the impugned order for concluding that respondent Nos.1 and 2 will fall in the category of "*person having interest in the public trust*" as contemplated by Section 2(10)(d) of the Act of 1950, is unsustainable. It is submitted that only because the Application No.31/2014 filed by the respondents seeking permission to transfer the management of the Society / Trust in question was entertained, it cannot be said that they will fall in the category of "*person having interest in the public trust*".

Apart from the fact that submission made on behalf of the petitioner, as recorded earlier, cannot be accepted in the facts of the case, it appears that there are no *bona fides* on the part of the petitioner in filing this petition. The impugned order is dated 5th July, 2016 and the petition was filed on 19th July, 2016, however, the petitioner has not taken any steps to obtain appropriate orders in this petition. The stage of the proceedings are also not known. In view of the above, I am not inclined to show any indulgence in the extra-ordinary jurisdiction. Writ petition is **dismissed**. No costs.

JUDGE