

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

Second Appeal No.608/2018

Mahant Jairamdasji Vs. The Charity Commissioner, Mumbai

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

Court's or Judge's orders

Mrs. Sonali Saware / Gadhave, Appointed Advocate for appellant
Mrs. M.S. Naik, Advocate for respondent

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 30, 2019

This appeal has been filed by the appellant challenging the judgments and orders passed by the two Courts below concurrently holding that the suit filed by the appellant for cancellation of registration of public trust, was not maintainable since only the Charity Commissioner was made party defendant in the suit. The Courts below have taken note of the fact that such a suit challenging the very registration of the public trust was not maintainable with only the Charity Commissioner being the party defendant because it was clear that when such public trust has been registered the trustees of such trust would be adversely affected if the prayer made in the suit was granted. The Civil Court found that the said suit was not maintainable on this short ground. The view taken by the Civil Court was challenged by filing appeal before the District Court. By the impugned Judgment and order the Appellate Court has taken into consideration the submissions made on behalf of the appellant and judgments upon relied upon by him to claim that the

suit is maintainable.

2. It was found by the Appellate Court by a well reasoned order that such a suit with only the Charity Commissioner being made party was clearly not maintainable and, therefore, the appeal was dismissed.

3. The learned counsel Mrs. Sonali Saware / Gadhwe was appointed to appear on behalf of the appellant, who was initially appearing in person. The learned counsel had sought adjournment to peruse the record in order to examine whether any submission could be made to assail concurrent orders passed by the Courts below.

4. But, after perusal of record, the learned counsel has not been able to convince this Court that any error is committed in the well reasoned orders passed by the Courts below.

5. Hence, The appeal is dismissed, as no substantial question of law arises in this appeal.

6. Mrs. M.S. Naik, learned AGP has appeared on behalf of the respondent Charity Commissioner.

JUDGE