

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.118 OF 2020

Shri.Yallamma Devi Trust ..Petitioner
V/s.
Shri.Khushal Raou Kamble & Ors. ..Respondents

Mr.S.S. Koregave for the Petitioner.

Mr.S.D. Rayrikar, AGP for Respondent No.4-State.

CORAM : C.V. BHADANG, J.

DATE : 23rd JANUARY 2020

P.C.

1. Heard learned counsel for the petitioner.

2. The petitioner is challenging the order dated 04th May 2019 by which an application Exhibit-6 which is an application purportedly filed by the petitioner under order Rule 10 C.P.C. for striking out the respondent/objectors from the proceedings of the change report filed by the petitioner is directed to be heard with the change report. All that the learned Assistant Charity Commissioner has ordered by the impugned order is that the said application Exhibit-6 shall be heard at the final hearing of the change report.

3. The learned counsel for the petitioner submitted that the respondent-objectors without seeking impleadment have directly filed an objection which is not permissible. I am afraid this aspect can be left open to be gone into by the Assistant Charity Commissioner when the application is taken up for consideration. Needless to mention that the Assistant Charity Commissioner will have to look into the issue as to whether the objectors are persons interested in the trust and in what capacity they have filed objection. Subject to this no case for interference is made out in the impugned order. The petition is dismissed, with no order as to costs.

**Nilam
Kamble** Digitally signed
by Nilam Kamble
Date: 2020.01.24
23:53:39 +0530

C.V. BHADANG, J.