

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

CIVIL APPLICATION NO. 559 OF 2020

IN

WRIT PETITION NO.7286 OF 2019

Smt. Sugrabi wd/o Abdul Habib Abdul Jabbar and others

vs.

Assistant Charity Commissioner, Nagpur and anr.

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

Court's or Judge's orders

Shri. M. V. Masodkar, counsel for petitioner.
Shri. M. B. Turankar, counsel for respondent No.2.
Smt. H. N. Prabhu, AGP for respondent No.1.

CORAM : MANISH PITALE J.

DATED : 04/03/2020

By this application, the petitioners are seeking amendment to the extent that the petitioner No.9 Society has been shown as being represented through one ‘ **Saiyad Ashraf Ali Mohd. Ali** ’, as President and instead of the name of the said person, the petitioners submit that the name of ‘ **Sayyad Asif Ali Ashraf Ali** ’ may be substituted as President of the said Society. It is claimed that the mistake in the name was a typographical error and that the submission made on behalf of the respondent that Saiyad Ahraf Ali Mohd. Ali has expired is a correct statement.

2. This application is opposed on behalf of the respondents on the ground that the name of Sayyad Asif

Ali Ashraf Ali which is sought to be substituted is not found in Schedule-I of the Trust and therefore, such a substitution ought not to be permitted.

3. It is not in doubt that there is a raging controversy between petitioners and respondent No.2 regarding who are the elected office bearers of the aforesaid society. The change reports filed by the rival parties from the year 1995 onwards are pending decision before the Competent Authority and therefore, and the matter is in a flux. It is the claim of the petitioners in this context that according to them the aforesaid Sayyad Asif Ali Ashraf Ali is the President of the petitioner No.9 Society. It is only for the purpose of the correction sought by the petitioners that the present amendment application deserves to be allowed, because inadvertently a dead person was shown as representing petitioner No.9 Society.

4. At the same time, the present application being allowed does not in any manner reflect the opinion of this Court, as to who is actually the President of the said petitioner No.9 Society, from the dispute between the parties has been continuing since the year 1995 and there is no finality to the rival change reports filed by the parties. Thus, only for the purpose of representation of the petitioner No.9 Society, as claimed by the petitioners, the present amendment is being allowed and it shall have no effect on the contentions of the rival parties in the change reports pending before the Competent

Authority under the provisions of the Maharashtra Public Trusts Act, 1950. With these observations, the present application is allowed, the petitioners are directed to carry out amendment forthwith.

JUDGE

KOLHE/P.A.