

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

WRIT PETITION NO.7883 OF 2018

Sanjay Madhukarrao Patil and others.

Vs.

Shri Vishnugopal Ganeshlal Shahu and others.

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

Court's or Judge's orders

Mr. N. M. Gaidhane, Advocate for petitioner.
Mr. G. H. Sharma, Advocate h/f Mr. S. D. Abhyankar,
Advocate for respondent nos.1 to 7.
Mr. H. D. Dubey, AGP for respondent no.8.

CORAM : AVINASH G. GHAROTE, J.

DATE : MARCH 05, 2020.

1. I have heard Mr. Gaidhane, learned counsel for the petitioners and Mr. G. H. Sharma, learned counsel for the respondent nos.1 to 7.

2. The present petition challenges the judgment as passed by the Joint Charity Commissioner in an application under Section 70-A of the Bombay Public Trusts Act, dated 22.11.2017, confirming the registration of the trust under the name and style of Mata Jankidevi Kashi Vishwanath Mandir, Ganeshdham, Hudkeshwar (Bhu.), Nagpur as a public trust under Section 18 of the Bombay Public Trusts Act, by the Assistant Charity Commissioner on 25.01.2011. It is contended, that the trust deed, contains restrictions as to the persons who may assume office, and therefore, the trust cannot be registered as a public trust. It is further contended

that there is also restriction as to the person who can become members of the trust for which reason also the registration is illegal.

3. It is trite position of law, that the trust deed governs the nature and the rights and obligations of the trust created by the document. Merely because the trust deed contains certain restrictions the same cannot be said to be a disqualification, for registration of the trust under Section 18 of the Bombay Public Trusts Act, that being the position of law, the petition, is therefore, without any substance and is accordingly rejected. No costs.

JUDGE

Sarkate