

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.10196 OF 2021

Shivaji S/o Nagorao Jadhav,
Age :55 years, Occu. Agriculture,
R/o. Shivray Nagar, Taroda (Khurd),
Tq. & Dist. Nanded.

... **PETITIONER**

VERSUS

Sakharam S/o Raghunath Kulkarni
Age : 62 years, Occ: Reporter,
R/o. Sarpanch Nagar, Nanded,
Tq. & Dist. Nanded.

... **RESPONDENTS**

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Advocate for Petitioner: Mr. V.D. Salunkhe
Advocate for Respondent : Mr. P.R. Katneshwarkar

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CORAM : MANGESH S. PATIL, J.

DATE : 23.09.2021

ORAL JUDGMENT :

Heard. Rule. The Rule is made returnable forthwith. The learned advocate Mr. Katneshwarkar is appearing on a caveat waives service. At the request of both the sides, the matter is heard finally at the stage of admission.

2. The parties are unanimous that the claim of the respondent of being a member of a trust is *sub judice* and needs to be decided finally by the learned Assistant Charity Commissioner. By the impugned order the respondent has been simply allowed to intervene in the Change Report

inquiry initiated by the petitioner.

3. The parties unanimously request that the decision as to if the respondent is a validly enrolled member be decided by the learned Assistant Charity Commissioner while deciding the Change Report filed by the petitioner.

4. The Writ Petition is disposed of with a direction to the learned Assistant Charity Commissioner to decide the issue as to if the respondent is a validly enrolled member, while deciding the Change Report. This order is being passed at the joint request of the parties.

(MANGESH S. PATIL, J.)

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