

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

Writ Petition No. 5795 / 2021

Shaikh Supadu Shaikh Rashid Mansuri
and Others

.. Petitioners

Versus

The Joint Charity Commissioner Nashik
and others

.. Respondents

Mr. Pralhad D. Bachate, Advocate for the Petitioner.
Mr. A.A. Jagatkar, AGP for State.

CORAM : SANDEEP K. SHINDE J.

DATE : 29th JUNE, 2021.

(Through Video Conference)

PER COURT : -

. Heard. Learned Counsel for the Petitioners and learned AGP
for the State.

1. This Petition challenges the order dated 11th December, 2020
passed by the Joint Charity Commissioner, Nashik Region, Nashik
in Miscellaneous Application No. 10/2020.

2. Facts of the case are as under;

. Change Report No. 1095/2019 of Ittehad Education Society, Savada, Tq. Raver, District Jalgaon presented by the Petitioners before the Assistant Charity Commissioner, was accepted vide order dated 19th September, 2019. The Respondents Nos. 2, 3 and 4 and Mr. Shaikh Rafique Shaikh Gulab had appealed against the order accepting the change report alongwith an application, seeking condonation of fifty days delay occurred in preferring the appeal. The learned Joint Charity Commissioner condoned the delay on 11th December, 2020. Feeling aggrieved by this order, instant petition is preferred.

3. Mr. Bachate, learned Counsel for the Petitioners would submit that vide application dated 17th August, 2020, Mr. Shaikh Rafique Shaikh Gulab had requested the Joint Charity Commissioner, permit him to withdraw from appeal proceedings. Meaning thereby, Mr. Shaikh Rafique Shaikh Gulab, was not interested to continue the appeal and the applications therein, submitted/ preferred by the Respondent Nos. 2, 3 and 4. Mr.

Bachate would submit that this fact was not considered by the Joint Charity Commissioner, while condoning the delay. In my view, this aspect of the matter was immaterial while exercising jurisdiction in delay condonation proceedings. Therefore this argument is rejected.

4. It appears from the impugned order that since the Respondent Nos. 2, 3 and 4 were not heard in the change report proceedings, they could not prefer appeal in time. This fact is noted in Paragraph No. 1 of the impugned order, which persuaded Joint Charity Commissioner to condone delay. The learned Joint Charity Commissioner has also directed the Petitioners-Appellants to deposit the costs as per Rules.

5. In consideration of the facts stated above, there is no error which is manifest and apparent on the face of the proceedings. Thus, no interference is called for. Petition is dismissed.

(SANDEEP K. SHINDE, J.)

Najeesh...