

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

**FIRST APPEAL NO.2469 OF 2021
WITH
CIVIL APPLICATION NO.11669 OF 2021**

Shankarrao Namdeo Newase
and ors.

..Appellants

Vs.

Uddhavrao s/o. Namdev Newase
and anr.

..Respondents

Mr. V.P.Latange, Advocate for appellant
Mr. V.D.Salunke, Advocate for respondent

**CORAM : R.G. AVACHAT, J.
DATE : OCTOBER 28, 2021**

JUDGMENT :-

Heard learned counsel appearing for the parties, at length.

2. The challenge in this appeal is to the order dated 23.09.2021 passed by learned Joint Charity Commissioner, Pune Region, Pune, below Exhibit-36 in Application No.21 of 2021 under Section 41E of the Maharashtra Public Trusts Act, 1950. Said application was moved by the appellants herein, for modification of the order dated 13.07.2021 passed by the very authority i.e. Joint Charity Commissioner, Pune, on application (Exh.5) in the same proceedings.

3. Learned counsel for the appellants would submit that by the impugned order, it has been made impossible for the appellants to perform the day-to-day necessary activities of the Trust. He, therefore, urged for recall of the order.

4. In paragraph 7 of the order dated 13.07.2021, learned Joint Charity Commissioner has observed thus :-

“7. Perusal of record shows that applicant nos.1 and 2 are the trustees of the trust. Therefore, prima facie, they are the person having interest. The documents i.e. gift deed below Exh.3/4 itself shows that the applicant and his family members donated the agricultural land to the trust. The account statement of the trust Exh.3/24 as well as the account statement of Sadguru Milk and Agro Product Pvt. Ltd. vide Exh.3/5 and 3/10, Sant Gajanan Maharaj Milk and Milk Product, Mirajgaon vide Exh.3/6 and 3/13, Shivshankar Multistate co-operative Milk Production Society vide Exh.3/7 and 3/8, Sadguru Milk and Milk Product vide Exh.3/12, Shivshankar Transport Company vide Exh.3/15, Shivshankar Petroleum vide Exh.3/9, personal account statement of Ravindra Thorat vide Exh.3/14, personal account statement of Kalyani Newase vide Exh.3/17, 3/18, 3/19 and 7/12 extract of the property purchased by respondents below Exh.3/22 shows that on different dates the amount from the account of trust transferred to the account of Sadguru Milk and Agro Product Pvt. Ltd. and the payment made by the students to the personal accounts of the respondents.”

5. Only with a view to ensure the day-to-day functioning of the Trust, the order was modified in terms of the order impugned in this appeal. In view of the observations made in paragraph 7 of the order dated 13.07.2021, this Court is not inclined to set aside the impugned order.

6. It is submitted that Inspector - Shri. S.R.More may not always be available to do the job, as has been directed under the impugned order. It is, therefore, observed that Mr.R.B.Gavane, who is also one of the Inspectors working with the very office of the Assistant Charity Commissioner, shall do the job in terms of the impugned order dated 23.09.2021, whenever Shri.S.R.More, Inspector, would not be available.

7. It is expected of the Assistant Charity Commissioner-2, Ahmednagar, to be prompt to discharge his job in terms of clause 2 of the impugned order dated 23.09.2021.

8. With the above observations, the appeal stands disposed of. Civil Application also stands disposed of.

[R.G. AVACHAT, J.]