

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 1641 OF 2020
IN
FIRST APPEAL NO. 1790 OF 2019
ALONG WITH
CIVIL APPLICATION NO. 3855 OF 2019
IN
FIRST APPEAL NO. 1790 OF 2019
WITH
FIRST APPEAL NO. 1790 OF 2019**

Mahadeo Agnu Ingle

.. Applicant /
Appellant

Vs.

Bhimrao Gundappa Bhosale & Ors.

.. Respondents

.....

Mr. Ajay A. Joshi for the applicant
None for the respondent

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 21st JANUARY, 2021

P.C.

1. Heard the learned Counsel for the applicant.
2. By this application, the applicant seeks to implead the proposed respondents in the cause-title in lieu of respondent nos. 1 to 5, who are no more.
3. The learned Counsel for the applicant, at this stage, submits that he will take instructions as to whether death certificates of respondent nos. 1 to 5 can be procured and filed on record.
4. It is submitted that on 6th February, 2018 a Change Report

bearing Report No.63 of 2018 has been approved by the Assistant Charity Commissioner, which has been accepted in respect of the names of new trustees. Since the names of the proposed trustees have been recorded in the Public Trust Register (PTR), they are required to be joined as respondents herein.

5. On the aspect of delay, it is submitted that the applicant was not a party to the Change Report and, therefore, was unaware about the order passed by the Assistant Charity Commissioner on 6th February, 2018. The reason for delay appears to be just.

6. It is also submitted that the applicant is now 79 years of age and is bedridden, suffering from various diseases. This is also a factor which can be considered for the purpose of condonation of delay. For the reasons stated herein, the delay is condoned.

7. The Interim Application No.1641 of 2020 is allowed.

8. The applicant is permitted to implead the proposed respondent nos. 8 to 14 as a party respondents.

9. Amendment shall be carried out within a period of two weeks from today. After carrying out the amendment, notice be issued to the newly added respondents, returnable on 18th February, 2021.

10. In addition to the Court's notice the applicant shall serve the newly added respondents with private notice and shall swear an affidavit to that effect.

(PRITHVIRAJ K. CHAVAN, J.)