

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

WRIT PETITION NO. 5803/2017

1. Social Organization for Upliftment of Rural Culture, Environment & Education (SOURCE), A society registered under the Societies Registration Act, through its Secretary,
Office Address- Plot no.81, Krushna Keshav Nagar, Khat Road, Bhandara.
2. Rajesh Chandrashekhar Katdare,
Aged about 55, Occ. Service, r/o C-503, Kakde City, Karve Nagar, Pune.
3. Headmistress, Pride Convent & School,
Khat Road, Bhandara, Tq. Dist. Bhandara.**PETITIONERS**

...VERSUS...

1. Assistant Charity Commissioner,
Nagpur, Civil Lines, Nagpur.
2. Arvind Mahakalkar,
aged about 58 years, Occ. Service,
r/o Plot no. 188, Reshimbag, Nagpur-24.
3. Ashok Wadhokar (Deceased through LRs)
- 3-a Smt. Sunita wd/o Ashok Wadhokar,
aged about 68 years, Occ. Household,
- 3-b Shri Siddhesh Ashok Wadhokar,
aged about 33 years, Occ. Service.
- 3-c Mrs. Dr. Amruta Ashok Wadhokar,
aged 32 years, Occ. Practice,
All r/o Plot No. 4-A, Mehar Darbar Galli,
Duttatray Society, Manish Nagar, Nagpur. ..**RESPONDENTS**

Mr. M. M. Dandekar, Advocate for petitioners.
Mr. S. S. Joshi, Advocate for respondent nos. 2, 3 (a) to 3 (c)

CORAM:- V. M. DESHPANDE, J.

DATED :- 15.02.2021.

ORAL JUDGMENT

1. Rule. Rule is made returnable forthwith. Heard finally by consent of learned counsel for the parties. Heard Mr.Dandekar, learned counsel for petitioners, Mrs. Barabdhe, learned A.G.P. for respondent no.1 and Mr. Joshi, learned counsel for respondent nos. 2 and 3.

2. An application under Section 51 of the Bombay Public Trusts Act was filed before Assistant Charity Commissioner, Nagpur by respondent no.2 and one Ashok Wadhokar. It was registered as Application No. 4/2016. During the pendency of the application, Ashok Wadhokar passed away on 24.08.2016, therefore, his legal representatives, who are respondent nos.3-a to 3-c in this writ petition, filed application seeking permission that they be allowed to participate in proceeding. The said application is at Exh.-7. The application was allowed on 08.06.2017 by learned Assistant Charity Commissioner, which is under challenge in this writ petition.

3. I have perused application Exh.-7. It does not show any pleadings as to how respondent nos. 3-a to 3-c in this writ petition are having interest in affairs of trust. Thus, order impugned cannot stand in eye of law and is liable to be rejected.

4. However, at the same time, respondent nos. 3-a to 3-c can always file fresh application before the Assistant Charity Commissioner giving details how they are having interest in trust.

5. In that view of the matter, the writ petition is disposed of giving liberty to respondent nos. 3-a to 3-c to file application before the Assistant Charity Commissioner by requisite pleadings that they are having interest in the trust. If such an application is moved by respondent nos.3-a to 3-c, it shall be decided by learned Assistant Charity Commissioner on its own merit, in accordance with law.

Rule accordingly. No order as to costs.

JUDGE

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