

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

**REVIEW APPLICATION (CIVIL) NO.115 OF 2022
IN WP/13824/2021**

**VILAS SAKHARAM SATHE AND OTHERS
VERSUS
THE DEPUTY CHARITY COMMISSIONER AND ANOTHER**

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Advocate for the Applicants : Shri Savale Amit S
AGP for Respondent 1 : Shri P.S. Patil
Advocate for Respondent 2 : Shri S.R. Shirsath h/f Shri S.S.
Jadhavar

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**CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.**

DATE :- 22nd April, 2022

Per Court :-

1. By this Review Application, the review petitioner desires that the order dated 01.03.2022 passed in Writ Petition No.13824/2021 should be reviewed for the reason that when the application of the petitioners under Section 41(A) of the Maharashtra Public Trusts Act was decided by the Deputy Charity Commissioner, they did not have receipt or proof of having paid subscription to the Trust. Even when the original petition was decided by this Court, they did not have the said documents. Now, the petitioners have the documents from page

Nos.15 to 63, to indicate that they have paid contributions to the Trust establishing their membership in the said Trust. This is the only ground on which this review application is filed.

2. We find from the order passed by the Deputy Charity Commissioner that the petitioners did not have any evidence to indicate that their contributions were deducted from their salaries or paid by them in cash, being employees of the Educational Institution. Even when the matter was conducted before us, the grievance expressed by the petitioners as recorded in paragraph 2 of our order dated 01.03.2022, indicates that they had contended that the Trustees do not issue membership receipts to any member and the contributions/ subscriptions are collected by the Headmaster of the Institution and such amounts are deposited in the Trust.

3. In the above backdrop, we called upon the learned advocate for the petitioners to disclose the source of acquiring these documents from page Nos.15 to 63. The answer, on instructions, is that these documents were with one of the members and after this Court decided the writ petition, suddenly the said member found these documents.

4. We find the said statement to be completely

unpalatable. All these documents are photostat copies. There is no letterhead of the Institution/ Trust. At the bottom of documents purportedly collecting subscriptions, there is no stamp of the Trust, much less signature of the authorized trustee. So also, there is no outward number to any document which, according to the petitioners, is the list of collections which is forwarded by the Headmaster/ Headmistress to the Trust. Taking into account such documents placed before us and the source of acquiring the documents being suspicious, we do not find that we could place any reliance on such documents especially in matters of payment and collection of annual subscriptions to the Trust, as a basis to indicate membership of these petitioners.

5. In view of the above, we do not find that the petitioners have made out any ground for reviewing the order. This Review Petition being devoid of merit, is dismissed.

kps

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)