

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

22 CIVIL APPLICATION NO.8499 OF 2022
IN FA/1228/2022 WITH FIRST APPEAL NO. 1228 OF 2022

NILESH RANJIT BHOITE AND ANOTHER
VERSUS
THE JOINT CHARITY COMMISSIONER AND OTHERS

...
Advocate for Applicants : Mr. V. D. Hon Senior Counsel h/f
Shinde Abasaheb D.
Advocate for Respondent No.2 : Mr. S.K. Kadam
Advocate for Respondent No.4 : Mr. A. B. Kale h/f Mr. N.E.
Deshmukh

...

CORAM : S. G. DIGE, J.
DATE : 13.06.2022

PER COURT :-

Heard learned senior counsel for the applicants and learned counsel for respondent No.4.

2. Learned senior counsel for applicants submits that respondent No.4 had objected that the proposed respondents have not been added as party in this appeal. Hence applicant is intended to add them as party as respondent No. 20 to 22. The name of proposed respondents are mentioned in paragraph No.7 of this application.

3. It is contention of the learned counsel for respondent No.4 that applicants are playing tactics to prolong the matter. The appeal is not maintainable. Respondent No.4 is the trustee of said trust, in spite of that respondent No.4 is being prevented by the learned Joint Charity Commissioner through impugned order.

4. Learned counsel for respondent No.2 Mr. Kadam submits that respondent No.2 is added by name. The said officer is transferred from Jalgaon to other place and the present officer by name cannot be added as a party respondent.

5. Learned counsel for the applicants submits that he shall make correction in title clause of the application as well as title clause of the appeal. Leave is granted. Learned counsel for respondent No.4 pointed out that notices are not issued in appeal, hence issue notice to the respondents.

6. Considering the reasons mentioned in the application, as well as merely adding the parties no harm is going to cause all parties, if directions are given to the applicants to serve all the respondents by private service, then the matter shall not be prolonged. Hence I pass the following order.

ORDER

- (I) Application is allowed in terms of prayer clause 'B'.
- (ii) Applicants are directed to serve the added respondents through Court as well as by private notice and shall file affidavit in that regard by next date.

Application stands disposed of.

(S.G. DIGE, J)
JUDGE

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