

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7935 OF 2022

Suresh S/o Manoharlal Dhariwal

Petitioner

Versus

Rajaram S/o Giriraj Sharma & another

Respondents

Mr. S. S. Deshmukh, Advocate for the petitioner.

CORAM : M.G. Sewlikar, J.

DATE : 28th JULY, 2022.

PER COURT :

1. Heard.
2. Learned counsel for the petitioner submits that the petitioner is an education society running various schools. Change Report No. 935/2014 is pending before the Deputy Charity Commissioner, Jalgaon.
3. Learned counsel for the petitioner further submits that the application for secondary evidence was tendered and the learned Deputy Charity Commissioner allowed that application. When the

witness was summoned to produce those documents, the witness appeared and produced those documents. Learned counsel for petitioner submits that the learned Deputy Charity Commissioner refused to accept the documents.

4. On perusal of the order passed by the learned Deputy Charity Commissioner, it is seen that a request was made to the learned Deputy Charity Commissioner for exhibiting the documents. The learned Deputy Charity Commissioner rejected that request as according to the learned Deputy Charity Commissioner, in the absence of formal proof, the documents cannot be exhibited. From the order of the learned Deputy Charity Commissioner, it can be seen that the documents were produced before him by the witness. Those documents could not have been exhibited without formal proof. Therefore, the learned Deputy Charity Commissioner was perfectly justified in rejecting the application.

5. Learned counsel for the petitioner submits that the evidence of the petitioner is closed. Learned counsel for the petitioner seeks liberty to file an application for recall of the witness. If such an application is made, the learned Deputy Charity

Commissioner shall decide it on its own merits.

6. With these directions, the petition is disposed of. No costs.

(M. G. SEWLIKAR)
Judge

dyb