

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4331 OF 2014

SHAIKH LALASAHEB RAJESAHEB AND OTHERS
VERSUS
SHAIKH HAMID SAWARSAB AND OTHERS

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Advocate for Petitioners No. 2 to 7 : Mr. V.D. Gunale
AGP for Respondents: Mr. S.W. Munde
Advocate for Respondents No. 1, 2, and 4 : Mr. Nitin Dhobale

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 7th MARCH, 2022

ORDER :

1. The Petitioners are aggrieved by the order dated 18.02.2013 passed by the Assistant Charity Commissioner, Latur, thereby dismissing the application filed by the Petitioner under Section 41A of the Bombay Public Trust Act, for absence of Petitioners/Applicants therein and their advocate.

2. I have heard the rival submissions of learned advocate for the Petitioners, learned advocate for Respondent No. 1, 2 and 4 and learned Assistant Government Pleader. Respondent No. 3 though served has not appeared.

3. Admittedly, the application filed by the Petitioners is not decided on merits and same is dismissed for absence on the part of the Petitioners as well as their advocate. Reasonable and fair opportunity needs to be given to the Petitioners and the concerned parties for deciding application filed by the Petitioners, on merits. In that view of the matter, the impugned order is quashed and set aside, and the matter is remitted back to the Respondent No. 5, who shall decide the same on merits, in accordance with law, after giving opportunity of hearing to the concerned parties, within a period of three months from the date of receipt of this order.

4. The writ petition is disposed of with aforesaid observations.

[NITIN B. SURYAWANSHI]
JUDGE