

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

975 CIVIL APPLICATION NO. 13036 OF 2022 IN
FIRST APPEAL NO. 2411 OF 2019

BHAGWAN MADHAVRAO WATEMOD
VERSUS
SAKHARAM DIGAMBAR MAHAJAN AND OTHERS

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Advocate for Applicant : Mr. Sunil Warad h/f Mr. Kedar Warad
Advocate for Respondent No.1 : Mr. C. C. Deshpande
Advocate for Respondent No.3 : Mr. V. V. Bhavthankar
Senior Advocate for Respondent No.4 : Mr. R. S. Deshmukh, a/w
Ms. T. K. Nalawade i/b Mr. D. R. Deshmukh
Advocate for Respondent No.5 : Mr. P. S. Paranjape
Advocate for Respondent No.6 : Mr. V. G. Salgare

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CORAM : SANDIPKUMAR C. MORE, J.

DATED : 07/10/2022.

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P. C. :

1. The applicant - intervenor Shri Bhagwan Madhavrao Watemod is seeking permission to intervene the proceeding of appeal by way of this application.

2. The learned counsel for the applicant - intervenor submits that the challenge in this appeal is to the order dated 01.07.2019 passed by the Joint Charity Commissioner, Aurangabad Region in *suo moto* application No.166 of 2018, whereby present respondent Nos.4 to 6 have been appointed as temporary trustees to look after the affairs of trust by name 'Pratibha Niketan Shikshan Sanstha, Nanded'. He further submits that the applicant - intervenor had taken part in earlier proceedings and the Hon'ble Division Bench of

this Court, vide order dated 23.01.2019 in Writ Petition No. 970 of 2019, had allowed him to intervene the proceedings in respect of the aforesaid trust. According to him, the trust has been rendered without trustees and the applicant - intervenor being well wisher of the trust, can assist this court properly in disposal of the main appeal.

3. On the contrary, the learned counsel for the original appellant strongly opposed the application on the ground that the applicant - intervenor is nowhere concerned with the trust being only the well wisher. Further, the scheme floated by the applicant - intervenor alongwith others bearing Scheme Enquiry No. 305 of 2017, has already been rejected on 11.10.2021 by the learned A.C.C., Nanded Region and as such, he being not the necessary party, cannot be allowed to take part in the proceeding.

4. On the other hand, the respective counsel for the respondents were also heard.

5. Admittedly, the applicant - intervenor appears to be well wisher only and not a member of trust or earlier trustee. However, though the scheme floated by him alongwith others namely present Respondent No.3 - Prakash Vinayakrao Doiphode and respondent No.6 Shantanu Sudhakar Doiphode, has been rejected, but it appears that he has challenged the said rejection by filing appeal before the concerned Joint Charity Commissioner.

6. The record shows that the applicant - intervenor had taken part in the earlier proceedings in respect of the trust. Moreover, respondent No.2, who had floated the scheme alongwith the

present intervenor, has already been allowed to intervene the proceedings. Therefore, irrespective of the status of the applicant - intervenor, his assistance would be helpful if he is allowed to intervene. In view of the same, the application is allowed in terms of prayer clause-"A" and the applicant - intervenor be incorporated as respondent No.7 in main appeal.

7. The original appellant is directed to carry out the amendment accordingly within stipulated period. The application is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)