

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12811 OF 2021

SURESH MAHADU CHAUDHARY
VERSUS
SOCIAL AND CULTURAL ASSOCIATION KUSUMBA TRUST
THROUGH SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. K.C. Sant
Advocate for Respondent Nos.1 and 2 : Mr. V.D. Hon,
learned senior advocate A/W. Mr. A.V. Hon

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[CORAM : NITIN B. SURYAWANSHI, J.]
DATE : 14th June, 2022

ORDER :

. The petitioner is aggrieved by the order passed by the Assistant Charity Commissioner/respondent No.3 in Inquiry Application No. 632 of 2012 below Exh.172, thereby allowing the application filed by the respondent No.2 and permitting him to produce documents on record.

2. Hearing of Inquiry Application is going on before the Assistant Charity Commissioner. During the course of cross-examination of respondent No.2, certain documents were referred by the petitioner. By filing application Exh.172, the

respondent No.2 sought permission to produce the documents referred in his cross-examination by the petitioner. The application is allowed by the Assistant Charity Commissioner holding that, if the application is allowed no party will be affected, because the petitioner will get an opportunity to cross-examine the respondent on these documents. It is further held that, to decide legality and validity of the change report, it is necessary to decide legality and validity of the documents mentioned in the application. Hence, the application came to be allowed.

3. It is not in dispute that, these documents are referred in the cross-examination of the respondent No.2. The Assistant Charity Commissioner since is of the view that, these documents are necessary for deciding the change report, he has rightly permitted the production of documents.

4. The learned advocate for the petitioner by referring to the provisions of the Indian Evidence Act, submits that since respondent No.2 has failed to produce the

documents at earlier point of time, the application Exh.172 filed by the petitioner ought to have rejected by the authority.

5. The production of the documents cannot be faulted with. The admissibility of the documents can be considered by the concerned authority at the time of final decision of the change report of inquiry.

6. In the light of above, no merit is found in the petition. The petition is, therefore, dismissed.

7. No costs.

[NITIN B. SURYAWANSHI]
JUDGE