

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

972 CIVIL APPLICATION NO.14733 OF 2022

IN CA/14439/2022

WITH

WP/1426/2021

WITH

WP/2643/2021

WITH

WP/2652/2021

**MANOHAR GORAKH PATIL AND OTHERS
VERSUS
YOGENDRA RAMDAS DESALE AND OTHERS**

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Advocate for the Applicants : Mr. Amey N. Sabnis
AGP for Respondent Nos. 1 & 2-State : Mrs.G.L.Deshpande
Advocate for Respondent Nos. 3 to 9 : Mr.A.S. Sawant
Advocate for Respondent Nos. 10 to 21 : Mr.S.P. Brahme
Advocate for Respondent Nos. 22 to 27 : Mr. Rajendra Deshmukh
(Senior Counsel) i/by Mr.C.T. Jadhav

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CORAM : SANDEEP V. MARNE, J.

DATE : 18.10.2022.

PER COURT :

1. The present Civil Application has been filed seeking modification of the order dated 12th October, 2022 with regard to two aspects. In paragraph No. 5 of the order, this Court has directed that the elections of the trust shall be held under the supervision of the Assistant Charity Commissioner, Dhule or of the person deputed on his behalf. It is submitted that there are two Assistant Charity Commissioners at Dhule viz. Assistant Charity Commissioner -I and Assistant Charity Commissioner -II. The clients represented by Mr.

Bramhe, , Mr. Sawant and Mr. Deshmukh i/by Mr. Jadhav have apparently filed complaints against the Charity Commissioner – I with the Joint Charity Commissioner and therefore, it is submitted by them that it would not be appropriate that the elections are held under the supervision of the Assistant Charity Commissioner – I Dhule. Therefore, the paragraph No. 5 of the order dated 12th October, 2022 is modified by directing that the election of the trust shall be held under the supervision of the Assistant Charity Commissioner – II, Dhule or of person deputed on his behalf.

2. The second modification in order dated 12th October, 2022 is sought in respect of paragraph No. 6, by which the Assistant Charity Commissioner Dhule has been requested to expedite hearing of the change report Nos. 3589 of 2017 and 6577 of 2017. It is submitted that transfer petitions are pending seeking transfer of proceedings from Charity Commissioner -I, Dhule. On account of filing of such transfer petitions, Mr. Bramhe, Mr. Sawant and Mr. Deshmukh i/by Mr. Jadhav submit that the entire process cannot be completed within a period of two months as directed by this Court. Request is made to enlarge the said period. Therefore, paragraph No. 6 of the order dated 12th October, 2022 is to be modified to that extent. In that view of the matter, Mr. Deshmukh fairly submits that a direction be issued for the decision of change report by the Assistant

Charity Commissioner – II Dhule. Accordingly, paragraph No. 6 of the order dated 12th October, 2022 is modified to the extent that the Assistant Charity Commissioner – II, Dhule shall decide the change report of 3589 of 2017 and 6577 of 2017 within 3 months.

3. With these directions, the Civil Application is disposed of.

(SANDEEP V. MARNE)
JUDGE

mahajansb/