

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO.788 OF 2018 (FOR REVIEW)
IN
WRIT PETITION NO.138 OF 2018 (D)

Basant Kumar s/o Rameshchandra Soni

Vs.

Hanumandas Soni s/o Late Shri Gokuldas Soni and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Pushpa D. Sood, Advocate for applicant.

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/08/2022

1. The applicant had filed Writ Petition No.138/2018 challenging the order dated 08/11/2017 passed by the learned Joint Charity Commissioner Nagpur, whereby the proceedings in Application No.16/2009 under Section 41D of the Maharashtra Public Trusts Act (for short, "the M.P.T. Act", hereinafter) were stayed on the ground that same issue was pending before him in Application No.01/2013 under Section 40 of the M.P.T. Act.

2. This Court by order dated 07/03/2018, had dismissed the petition holding that the petition was an abuse of the process of the Court. It is further observed, that the petitioner, who was appearing in-person had tried to stigmatize the learned Joint Charity Commissioner and the same may amount to contempt of Court, however, it refrained from taking any action. Cost

was also saddled. It was, however, made clear that in case the petitioner wants himself to be examined as a witness in the proceedings under Section 40 of the M.P.T. Act, he may choose to do so. The present application seeks a review of the aforesaid order.

3. The only ground contended is that since the then incumbent Charity Commissioner has changed, the applicant be permitted to appear in-person. The order dated 07/03/2018, records the conduct of the applicant-in-person, which also went to the extent of stigmatizing the Charity Commissioner, considering which, I do not see any merit in the application for review.

4. The Misc. Civil Application is therefore dismissed. No order as to costs.

JUDGE

Sarkate