

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

WRIT PETITION NO.1658 OF 2023

SUWARNAMALA RAMBHAU SHIVGAN AND ANOTHER
VERSUS
ASHOK KANHU BANSODE AND OTHERS

...
Mr. V.D. Salunke, Advocate for the Petitioners.
...

**CORAM : SHARMILA U. DESHMUKH, J.
DATED : 13th FEBRUARY, 2023.**

PER COURT:-

1. By the present petition, the challenge is to the orders passed by the Assistant Charity Commissioner in change report nos.412/2016, 413/2016, 414/2026 and 415/2015, whereby the application of the petitioners for examining two witnesses being Headmasters of two different schools came to be rejected by the order dated 06.04.2022 and Revision preferred against the said order also came to be dismissed.

2. There are four change reports which are pending before the Assistant Charity Commissioner. In the application, the non-applicants i.e. the petitioners herein have stated that they desire to examine four witnesses. As far as witness nos.1 and 2 are concerned, the description of those witnesses is as Secretary and Chairman of the Trust and as such, the application came to be allowed as against the witness nos.1 and 2. As regards witness nos.3 and 4 whose designations show that they are Headmasters of different schools, the application came to be

rejected on the ground that the Headmasters are not concerned with the elections and the present enquiry is in respect of the change reports.

3. Considered the submission of Mr. Salunke, learned counsel appearing for the petitioners.

4. From the application for issuance of the witness summons, I find that except stating the names and address of the witnesses nothing further is stated to show the relevancy of the witness nos.3 and 4 in the inquiries pending before the Assistant Charity Commissioner. The application merely states that the petitioners desire to examine the witnesses without showing any relevancy of the said witnesses and as such, the cryptic order rejecting the application for issuance of the witness summons to witness nos.3 and 4 cannot be faulted with. The Assistant Charity Commissioner has rejected the application on the ground that out of four witnesses, witness nos.1 and 2 are the objection petitioners and others are employees of the school and they do not have any concern with the elections of the society.

5. Considering that there are no details set out in the application seeking examination of witness nos.3 and 4, who are Headmasters of different schools, no fault can be found with the orders of the Assistant Charity Commissioner rejecting the application for issuance of witness summons.

6. Writ Petition is devoid of merits and stand dismissed with liberty to the petitioners to file appropriate application setting out all details showing the relevancy of the witnesses, who are proposed to be examined as regards the election of the society.

Upon such an application being filed, the Assistant Charity Commissioner to consider the same on its own merits and in accordance with law.

(SHARMILA U. DESHMUKH)
JUDGE

Devendra/February-2023