

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

APPEAL FROM ORDER NO.19 OF 2023
WITH CA/3675/2023 IN AO/19/2023

NILESH RANJIT BHOITE AND ORS
VERSUS

THE JOINT CHARITY COMMISSIONER NASHIK REGION AND ORS

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Mr. V. D. Hon, Senior Advocate i/by Mr. U. U. Wagh,
Advocate for the Appellants.

Mr. A. B. Kale a/w Mr. Rajesh Mewara, Advocate for the
Respondent No. 8.

Mrs. P. V. Diggikar, AGP, for the Respondent – State.

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CORAM : R.M. JOSHI, J

DATE : MARCH 20, 2023

PER COURT :

1. After hearing both sides, matter was kept today for recording the statement of learned AGP in respect of availability of the documents filed by Prakash Ananda Patil with DDR. Today, learned AGP, on instructions, makes statement about the availability of the said document with DDR.

2. This Appeal is filed against order passed on application (Exhibit 205) seeking issuance of witness summons to DDR to produce documents submitted by Prakash Ananda Patil on 24.01.2023. Learned Joint Charity Commissioner rejected the Application with the

observations that if applicants can get copies of the same either from Patil or office of DDR, if they found these documents important. It appears that what really weighed more on the mind of learned Joint Charity Commissioner is direction of this Court for time bound disposal of the proceeding and which resulted in rejection of application.

3. Perusal of the order indicates that the Joint Charity Commissioner has not recorded finding that the documents in question are irrelevant to the decision of the case. In such circumstances, learned AGP was called upon to seek instructions from DDR about the availability of the document. Learned AGP, on instructions, makes a statement across the bar to the effect that the DDR possesses documents filed by the aforesaid person and he is ready to produce the same before the learned Joint Charity Commissioner, if he is so directed.

4. This Court by passing order has expedited hearing of proceedings bearing application no. 11/2020 pending before the learned Joint Charity Commissioner. In order to ensure that no further time is wasted, DDR is hereby directed to place the documents sought in

application (Exh. 205) before the learned Joint Charity Commissioner on 21st March, 2023 at 11.00 am by personally remaining present. Learned AGP undertakes to communicate this direction to DDR.

5. Learned Counsel for the Appellants takes exception to the directions issued by the learned Joint Charity Commissioner setting forth schedule for the decision of proceedings. He apprehends that there would be miscarriage of justice if the proceedings are conducted hurriedly without giving proper opportunity of hearing.

6. Since this Court had issued directions for disposal of the proceeding in time bound manner, the parties are bound by the said directions. Needless to record that the learned Joint Charity Commissioner shall decide the *lis* between the parties in accordance with law.

7. Learned Senior Counsel for the Appellants and learned Counsel for contesting Respondent No. 8 make statement before the Court that parties are ready to conduct the proceedings before the learned Joint

Charity Commissioner on day to day basis. They further assure this Court that even in case of non-availability of the Advocate, parties will make alternate arrangement and that no adjournment will be sought on that ground.

8. In view of the said undertaking, learned Joint Charity Commissioner to take up the Application for hearing on day to day basis and decide the same in accordance with law.

9. Needless to state that all parties to the said proceedings are bound by the above directions.

10. Appeal stands disposed of in above terms.

11. In view of disposal of the Appeal, pending applications are also disposed of.

12. Parties to act upon an authenticated copy of this order.

(R.M. JOSHI, J.)

Malani