



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 7582 OF 2023**

Bhagatsinh Shikshan Sanstha,  
Gargoti and anr.  
V/s.  
Sarjerao B. Patil

...Petitioners

...Respondent.

Mr. Utkarsh Desai for the Petitioners.  
Mr. Chetan Patil a/w. Mr. Mandar G. Bagkar for the Respondent.

**CORAM : N.R. BORKAR, J.**  
**DATE : 07.07.2023.**

**P.C. :**

1. The petitioners herein had filed the change report in relation to change occurred in Managing Committee of the trust before the Assistant Charity Commissioner, Kolhapur Region, Kolhapur. The said change report was allowed by the order dated 19 March 2018 as the same was uncontested.

2. Against the order of Assistant Charity Commissioner, the appeal was filed before the Joint Charity Commissioner. In the said appeal filed by the respondent, which came to be allowed by the order impugned, it was alleged that the documents, which were filed in support of the change report, were all forged.

3. The change report was allowed as uncontested. If according to the learned Joint Charity Commissioner, there were valid reasons for setting aside the order of the learned Assistant Charity Commissioner, then the learned Joint Charity Commissioner ought to have remanded the matter back to the Assistant Charity

Commissioner for deciding it fresh instead of rejecting the change report out-rightly.

4. The order impugned is therefore, set aside to that extent. The matter is remanded back to the Assistant Charity Commissioner for deciding change report in accordance with law.

5. The Petition is disposed of in the aforesaid terms.

**[N.R.BORKAR, J.]**