

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10320 OF 2022

Dayanand Uttam Ligade and Ors. ...Petitioners

V/s.

Sushil Jetyappa Mendgudali and Ors. ...Respondents

ALONGWITH

WRIT PETITION NO. 10321 OF 2022

Shivanand Apparao Patil and Ors. ...Petitioners

V/s.

Sushil Jetyappa Mendgudali and Ors. ...Respondents

Mr. I.M. Khairdi, for the Petitioners.

Mr. Prasad B. Kulkarni, for Respondent No.1.

Mrs. Vaishali Nimbalkar, AGP for Respondent No.4.

CORAM : SANDEEP V. MARNE, J.

Dated : 13 September 2023.

P.C. :

1. By these petitions, Petitioners challenge order dated 31 March 2022 passed by the Deputy Charity Commissioner, Solapur by which three proceedings are decided viz : (i)Change Report No. 708 of 2018 (ii)Misc. Application No. 658 of 2018 and (iii) Misc. Application No. 2205 of 2019.

2. It appears that Misc. Applications No. 658/2018 and 2205/2019 were filed by Respondent Nos.1 and 2 objecting to the grant of membership to the Petitioners. While Change Report No. 708 of 2018 has been rejected, Misc. Applications No.658 of 2018 and 2205/ 2019 filed by Respondent Nos.1 and 2 has been partly allowed by confirming the membership of only two members. The said order therefore has the effect of removal of membership of Petitioners. To this limited extent, the Petitioners have filed the present petitions challenging the order dated 31 March 2022.

2. It appears that as against the order rejecting the Change Report No. 708 of 2018, the Reporting Trustee has already filed Appeal No.31/2022 before the Joint Charity Commissioner, Pune. Mr. Khairdi, learned counsel for the Petitioners would submit that there is no remedy of Appeal in respect of order passed in Misc. Applications No. 658/2018 and 2205/2019. It is for this reason that the present petitions are filed challenging the order dated 31 March 2022 to the extent of Misc. Applications No. 658/2018 and 2205/2019.

4. Mr. Khardi would request that the Petitioners be granted liberty to agitate their grievances before the Joint Charity Commissioner, Pune before whom the Appeal is pending so that the same Authority decides the entire controversy. The learned counsel appearing for Respondent Nos. 1 and 2 is not averse to this

suggestion. In the light of consensus so prevailing, the petitions are **disposed of** granting liberty to the Petitioners to file necessary intervention application in Appeal pending before the Joint Charity Commissioner, Pune.

SANDEEP V. MARNE, J.