

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7329 OF 2022

Appasaheb Baburao Pujari

...Petitioner

vs.

Joint Charity Commissioner, Kolhapur
and Others

...Respondents

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
PAREKAR

Date: 2023.07.07
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Mr. Swaroop Karade, for the Petitioner.

Mr. P.P. Pujari, AGP for the Respondents.

CORAM : N. J. JAMADAR, J.

DATE : JULY 06, 2023

P.C.:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 21st April, 2022 passed by the learned Joint Charity Commissioner, Kolhapur on an application preferred by the petitioner seeking a declaration that vakalatnama of advocate Ms. Samruddhi S. Mane and reply purportedly filed on behalf of the petitioner/ respondent No. 11 in Inquiry Application No. 1 of 2022, under section 41D of the Maharashtra Public Trust Act, 1950, was not filed by the petitioner and the said reply did not bind the petitioner.
3. The learned Joint Charity Commissioner rejected the application by imposing costs of Rs. 2,000/-.
4. Under the provision of section 41D of the Act, 1950 a trustee, against whom a proceeding is initiated for removal or suspension, is

entitled to be heard before framing of the charges. It is not the case that such opportunity of hearing is not given to the petitioner. What the petitioner contends is that the vakalatnama and reply, placed on record, have not been filed by him.

5. A party's advocate can be changed, at any stage, in a manner permissible in law and if it is the case of the petitioner that the affidavit in reply purportedly filed on behalf of the petitioner is, in fact, not filed by the petitioner, the petitioner can with the permission of learned Joint Charity Commissioner clarify the said position by filing further affidavit.

6. The learned Joint Charity Commissioner was thus fully justified in declining to delve into that aspect of the matter and dismiss the application.

7. No interference is warranted in exercise of writ jurisdiction.

8. The petition stands dismissed.

(N. J. JAMADAR, J.)