

Sayali Upasani

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

WRIT PETITION NO. 8331 OF 2022

Shri. Vinayak Bapu Salunke and Others ...Petitioners

Vs.

Smt. Smita Dilipkumar Chavan and Others ...Respondents

Adv. S.S. Patwardhan a/w Chetan Patil i/b Mandar Bagkar,
for Petitioners.

Mr. Narendra V. Bandiwadekar, Senior Counsel a/w Vinayak
R. Kumbhar i/b Ashwini N. Bandiwadekar, for Respondent
Nos. 3 to 7.

Mr. A.P. Vanarse, AGP for state.

CORAM:- N. J. JAMADAR, J.

DATED:- 23rd MARCH, 2023

PC:-

- 1) Heard the learned Counsel for the parties.
- 2) The challenge in this Petition is to an order passed by the learned Joint Charity Commissioner, Kolhapur, on an application (Exhibit-35) in Appeal No.25 of 2020, whereby the application of the petitioners to implead them as third party under Section 73A of the Maharashtra Public Trust Act, 1950 ("the Act, 1950"), came to be rejected.

3) Appeal No. 25 of 2020, assails an order passed by the Assistant Charity Commissioner, Sangli, in Change Report No.787 of 2016, in respect of Chaitanya Education Society, Miraj, Dist. Sangli, a registered Public Charitable Trust.

4) By the said order, the learned Assistant Charity Commissioner while rejecting the Change Report, *inter alia*, directed that the election to the Managing Committee of the trust for the year 2020 to 2025, be held by the Inspector on the basis of the list of members, which was approved in Change Report No. 232 of 1996.

5) The petitioners have been subsequently inducted as the members of the Trust. The petitioners are essentially aggrieved by a direction to hold the election in which only those 118 members of the Trust would be allowed to cast vote.

6) By the impugned order, the learned Joint Charity Commissioner was persuaded to reject the application for impleadment on two grounds. One, purportedly similarly circumstanced newly inducted members had filed an application (Exhibit 37) before the Assistant Charity Commissioner, which was rejected and the said order attained finality. Two, the petitioners herein have preferred a revision against the order

passed by the very same impugned order to the extent of the direction to hold election in which only 118 members are allowed to cast vote.

7) In the aforesaid circumstances, the grievance of the petitioners can be adequately redressed if the Revision Application is heard simultaneously, with the Appeal No.25 of 2020, in which the petitioners sought impleadment.

8) In that event, the petitioners would have an efficacious opportunity to assail the directions in the order impugned in the Appeal to the extent it impinges upon their claim as the members of the Trust.

9) Hence, the following order.

ORDER

i) The Petition stands disposed with directions to the learned Joint Charity Commissioner to hear and decide Revision Application No. 1 of 2021 simultaneously with Appeal No. 25 of 2020.

ii) No costs.

iii) All contentions of all parties are kept open for consideration.

[N. J. JAMADAR, J.]