

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14205 OF 2022

1. Shri. Baban Valiba Parasur
(Gurav) and Ors.

...Petitioners

V/s.

Shri. Mahadev Mandir
Devasthan Through Trustees
and Ors.

..Respondents

Mr. P.G. Hartalkar i/by. Mr. Tejas P. Hartalkar, for the Petitioners.

CORAM : SANDEEP V. MARNE, J.

Dated : 2 November 2023.

P.C. :

1. In the present petition, Petitioners challenge Judgement and Order dated 3 January 2020 passed by the Joint Charity Commissioner, Pune rejecting Revision Application No. 118 of 2016 on the ground that the same is time barred. The Joint Charity Commissioner has refused to condone the delay while rejecting the Revision Application.

2. It appears that the Petitioners had filed Inquiry Application No. 354 of 1999 for registration of Shri. Mahadev

Mandir Devasthan as a Public Trust. Their application was allowed by the Assistant Charity Commissioner by order dated 17 December 2001 by registering the Trust in respect of the land in question. The said order of the Assistant Charity Commissioner was challenged by the Respondents in Revision Application No. 23 of 2003 before the Joint Charity Commissioner raising a contention that another Trust was already registered in respect of the property in question in 1960. This is how Petitioners acquired knowledge in the year 2009 about registration of another Trust in respect of the land in question. They however failed to take steps to challenge the order registering the said Trust. It must be borne in mind that the registration of the Trust has taken place on 17 July 1960 in Inquiry Application No. 42/1960. Despite acquisition of knowledge of registration of the Trust on 17 July 1960 in 2003 after receipt of notices in Revision Application filed by the Respondents, Petitioners did not take any steps to challenge the order dated 17 July 1960. They filed Revision Application No.118 of 2016 after delay of 56 long years.

3. The learned counsel appearing for the Petitioner would submit that Petitioners did not have knowledge of passing of order dated 17 July 1960 which was suppressed by the Respondents. This contention can at the highest be held to be true only till the year 2003. The Respondents relied upon the order dated 17 July 1960 in their Revision Application No. 23/2003. This is how

Petitioners acquired knowledge of order dated 17 July 1960 atleast in the year 2003. In such circumstances, it cannot be stated that the Petitioners were diligent in exercising their remedies in respect of the order dated 17 July 1960. The Joint Charity Commissioner has rightly refused to condone the delay while dismissing the Revision as time barred. No error can be traced in the order passed by the Joint Charity Commissioner. Writ Petition is accordingly **dismissed.**

NEETA
SHAILESH
SAWANT

SANDEEP V. MARNE, J.

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