

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 6954 OF 2023

Samdoli Shikshan Sanstha, Samdoli and ors. ...Petitioners

Versus

Surgonda Raygonda Patil and ors. ...Respondents

.....

Mr. Umesh Mankapure for the Petitioners.

Mr. Manoj A. Patil for the Respondents.

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CORAM : N.R. BORKAR, J.

DATED : 10 JULY 2023

P.C. :-

By the impugned order the learned Joint Charity Commissioner, Kolhapur rejected the application filed by the petitioner in the revision application filed by the respondent to decide the issue of limitation/delay and laches as preliminary issue.

2. According to the petitioner, though there is no limitation to file revision application, however, it is well settled that it has to be filed within a reasonable period. According to the petitioner, in the present case the respondent had filed the revision after 15 years and thus the application was moved to decide the issue of limitation/delay and laches as preliminary issue.

3. According to the petitioner, the learned Joint Charity Commissioner erred in rejecting the application.

4. The controversy is covered by the judgment of this Court in Dr. Subir Banerjee Vs. Neetu Singh¹, wherein this Court has held:

“In view of the above context, the impugned order of the Joint Charity Commissioner deciding to hear the point of limitation alongwith the main revision application may require modification. The Joint Charity Commissioner has to first decide whether the revision application is within reasonable time. Only if he comes to the conclusion that the revision application is within reasonable time, he may proceed to deal with the revision application on merit. However, for dealing with above aspect it is not necessary to have separate proceeding; a common proceeding will suffice, but the point relating to whether the revision application has been filed within reasonable period or not has to be decided first.”

5. The order impugned, therefore, cannot be allowed to stand. The order impugned is set aside. The learned Joint Charity Commissioner shall first decide, whether revision has been filed within reasonable period or not.

6. The Petition is disposed of.

(N.R. BORKAR, J.)

¹ 2020 (2) Bom CR 253.