

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 670/2020

SAHEBRAO S/O JANRAO PATIL
VS

ASSISTANT CHARITY COMMISSIONER, BULDHANA AND ANOTHER

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. H.R. Gadhia, Advocate for the petitioner
Mr. D.P. Thakre, Additional Government Pleader for the
respondent no. 1
Mr. P.S. Patil, Advocate for respondent no 2

CORAM : A. S. KILOR, J.

DATED : 06/06/2023

Heard.

2. The order below Exh. 64, in Inquiry Case No. 1453/2013, rejecting the application for amendment is under challenge in the present writ petition.

3. The learned Counsel for the petitioner has pressed this application for amendment in the Change Report only as regards correction to the extent of post shown as Treasurer against the name of one Shri Dilip Bhikulal Rathi. It is submitted that there is no post of Treasurer in the constitution of the Trust. Therefore,

correction in the Change Report is necessary, as prayed for.

4. Mr. Patil, the learned Counsel for the respondent no. 2 and the learned Additional Government Pleader for the respondent no. 1 both have opposed the present writ petition.

5. Considering the constitution of the Trust namely, “Vishwa Mandir Shikshan Prasarak Mandal, Jalgaon Jamod”, it appears that there is no post of Treasurer. However, in the Change Report the post of Treasurer is shown.

6. Admittedly, the Change Report was filed by the petitioner as reporting trustee without taking assistance of any person having knowledge in the field of law. But, after engagement of a Lawyer in the matter, the said mistake was revealed and, therefore, the petitioner applied for correction of the same alongwith other amendments in the Change Report. However, in the present writ petition, the only amendment in respect of deletion of word “Treasurer” and addition of word “Member” is prayed.

7. Hence, I am of the opinion that no prejudice will be caused to any of the parties to the Change Report if

the amendment sought by the petitioner is permitted. Accordingly, I pass the following order:

(a) The writ petition is partly allowed.

(b) The application Exh. 64 is allowed and thereby, it is permitted to replace the word “Khajindar” written against name of Shri Dilip Bhikulal Rathi with the word “Sadasya (Member)”.

8. At this stage, the learned Counsel for the petitioner submits that the petitioner has not pressed other points, hence, liberty may be granted to raise the other points in appropriate proceedings.

9. The liberty, as prayed for, is granted.

JUDGE