

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

WRIT PETITION NO.4951 OF 2023

Ambadas Pratapchand Agrawal through LRs Sanjeev S/o Ambadasji Agrawal and others **.Vs.** The Joint Charity Commissioner, Nagpur Region, Nagpur and others

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

Court's or Judge's Order

Shri V.T. Deshpande, Adv. a/w Shri K.J. Topale, Adv. for the petitioner.
Ms M.A. Barabde, A.G.P. for the respondent/State.

CORAM : ANIL S. KILOR, J.

DATED : 08/08/2023

1. The learned District Judge-1, Wardha denied to condone the delay of 1424 days delay in filing the application under Section 72(1) of the Maharashtra Public Trust Act, 1950 against the judgment and order dated 21.06.2010 passed by the Joint Charity Commissioner, Nagpur in Revision Application No.10 of 2007.

2. To find out whether the delay has been properly explained, I have perused the application for condonation of delay.

3. Paragraph 2 of the application says that the matter before the Joint Charity Commissioner was looked after by Shri Ambadas, the uncle of the petitioners and since June, 2010 his wife Smt. Keshrimal suffered from Cancer and therefore, Ambadas and the petitioners being close

relatives they were taking care of her. It is further stated that she died on 09.05.2011 and thereafter, Ambadas suffered from blood pressure and various ailments and he also died on 26.01.2012.

4. It is pertinent to note here that, the impugned order was passed by the learned Joint Charity Commissioner on 21.06.2010 and till June, 2010 there was no problem for Ambadas to attend the matter and to look after the said proceedings.

5. No medical evidence has been produced on record to support the case of ailment of wife of Ambadas or ailment of Ambadas. After the death of Ambadas it is stated that, the petitioners were under shocked and they could not take any steps. On 03.08.2014 the petitioners approached to the concerned lawyer along with certain documents and thereafter filed application for condonation of delay along with application under Section 72 of the Maharashtra Public Trust Act, 1950.

6. The learned District Judge has dealt with explanation given by the petitioners for causing delay. The learned District Judge has further gone through the record and also the relevant authority and arrived at a conclusion that, no satisfactory explanation has been provided by the petitioners for condonation of delay.

7. Moreover, it is necessary to note that, the dispute in the present matter is in respect of inclusion of land in question in Schedule-I of the Trust, which the petitioners are claiming to be owned by their uncle Ambadas. However, nothing has been produced on record to *prima facie* show that there is any title in favour of the Ambadas or the petitioners.

8. In that view of the mater, I do not find any illegality committed by the learned District Judge.

9. In the circumstances, the writ petition is **dismissed**.

JUDGE