

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

Writ Petition No.6832 Of 2022

Ravindra Hariramji Munne Vs Sudhakar Ambadas Ghode

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

Court's or Judge's Order

Shri A.D. Bhate, Advocate for the Petitioner/s
Shri A.P. Thakare, Advocate for the respondent-sole

CORAM : ANIL S. KILOR, J.

DATED : 21st April 2023

1. Heard.
2. In this petition, a challenge is raised to the order below Exh. 5 dated 28.07.2022 in Enquiry No.183 of 2020 (PTR No.F-259 (W)) passed by the Assistant Charity Commissioner, Wardha, allowing the application for intervention filed by the respondent under Section 73A of the Maharashtra Public Trusts Act, 1950.
3. The learned counsel for the petitioner points out that the respondent was previously recorded as Secretary of the trust, however, he was dismissed and removed as trustee and as such he is not even a member of the trust and therefore, he is not having right to object the change report proceeding. He further submits that it is a settled law that a person, who is seeking intervention, he has to point out in what manner he would assist the Court in arriving at the right conclusion in the proceeding.
4. It is submitted that vague submissions are made in the application from which it is difficult to point out that what

assistance he will provide to Charity Commissioner in deciding the change report. In support of his submission, he has placed reliance upon the judgment of the Co-ordinate Bench of this Court in the case of ***Chetan Mehta Vs. State of Maharashtra & Ors.***¹.

5. The learned counsel for the respondent has pointed out that though he has been removed as trustee, but he is still a member of the trust. He further points out that the purpose for which he wants to intervene is clarified and noted by the Assistant Charity Commissioner in the impugned order itself and therefore, the ground which is raised by the petitioner that the purpose has not been pointed out, does not survive.

6. In the light of the rival submissions, I have perused the petition and the impugned order.

7. The Co-ordinate Bench of this Court in the case of ***Chetan Mehta*** (supra), has observed thus:

“9. Keeping in mind the purpose of introducing section 73-A and in particular having regard to the fact that the sole matter to be enquired into in the present proceeding is whether the respondent No. 6 has in fact been convicted by a Court of competent jurisdiction and whether that offence involves moral turpitude, to ascertain this limited aspect presence of other trustees is not necessary. Whereas, it is the concerned trustee (Respondent no. 6) who will have to defend himself in relation to the allegation or charge which is personal to him and more particularly when the Trust has no casual connection with the offence in question. Thus understood, no fault can be found with the approach of the JCC on recording the finding that the petitioner has

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failed to demonstrate as to in what manner he can help the Inquiry Officer to arrive at a decision or to produce relevant evidence. To get over this position, counsel for the petitioner would argue that the impleadment of petitioner was essential as he was one of the trustees and was therefore concerned with the reputation of the trust. The fact remains that the petitioner has not been able to demonstrate as to in what manner his presence would make difference to the proceedings pending for enquiry before the JCC.

10. Merely because the petitioner claims to be trustee of the trust, that cannot be the sole basis to permit the petitioner to be impleaded as party to the pending proceedings against other trustee especially in an enquiry in relation to Section 41-D(1)(f)."

8. Keeping in mind the above referred observation of this Court, if paragraph 12 of the impugned order is seen, it reveals that the purpose of intervention by the respondent is recorded by the learned Assistant Charity Commissioner in the impugned order.

9. Thus, I do not find substance in the argument of the learned counsel for the petitioner that the respondent has not shown the purpose or what assistance he can provide in deciding the change report, hence, the said argument does not survive.

10. In the circumstances, as no perversity is noticed in the impugned order, I am not inclined to interfere with the impugned order. Accordingly, the petition is **dismissed**.

11. At this stage, the learned counsel for the petitioner prays to expedite the change report and he further prays for direction to the respondent to co-operate in deciding the change report proceeding.

12. The learned counsel for the respondent, on instructions, makes a statement that his client will cooperate with the Assistant Charity Commissioner in deciding the PTR No.F-259 (W), at the earliest,

13. In that view of the matter, the Assistant Charity Commissioner is directed to expedite the proceeding and decide the same at the earliest.

[ANIL S. KILOR, J.]