



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

910 WRIT PETITION NO. 14729 OF 2023

Aadte Bazar Merchants Association
Ahmednagar And Others

....Petitioner

VERSUS

The State Of Maharashtra Through
The Office Of Charity Commission And Others

.....Respondent

.....
Advocate for the Petitioner : Mrs. Mhase Madhaveswari S.
AGP for Respondents 1, 9 & 10 : Mr. V.M. Chate
Advocate for Respondents : Mr. M.S. Kulkarni
Advocate for respondents 4 & 5 : Mr. A.A. Nimbalkar
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CORAM : ARUN R. PEDNEKER, J.

Dated : January 23, 2024

PER COURT :-

1. Heard the learned counsel for the parties.
2. The learned counsel has placed reliance on the judgment of **Ganesh Deokaranji Boob Vs. Joint Charity Commissioner dated 20th July 2023** passed by the Nagpur Bench of this Court to contend that without hearing the affected party the delay in filing appeal cannot be condoned. However, it is not disputed by the learned advocate for the petitioners that notice of delay condonation application were served on the petitioners and they filed their no objection for condonation of delay in a proceeding filed before Joint Charity Commissioner, Pune.
3. On the other hand, the learned counsel for the respondents has placed on record , Exh. 50, filed by the petitioner before the Joint Charity Commissioner, Pune in Mis. Application 23/2022 by which no objection is given by the petitioners before the Joint Charity Commissioner. The same is taken on record and marked as 'X' for identification.
4. Notwithstanding the no objection pursis filed by the petitioner to the delay condonation application in the proceeding filed before the Joint Charity Commissioner, the learned counsel for the petitioner today is raising objection to the condonation of delay caused in filing the appeal

and she submits that the delay of 25 days in filing appeal ought not have to be condoned in absence of the petitioner being made party in delay condonation application.

5. The petitioners are party in the main appeal although not in the application for condonation of delay. Notice in delay condonation application has been issued to the petitioners and thereafter, they have filed no objection pursis to condone the delay. Now it is not open for the petitioners to challenge the same on the ground that they were not made party to the delay condonation application, although they were made party in the appeal. In view of the same, I do not see any merit in the writ petition. The writ petition is dismissed.

(ARUN R. PEDNEKER, J.)

ssc/