

SA Pathan

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6111 OF 2016

SHABNOOR
AYUB
PATHAN
Digitally signed by
SHABNOOR AYUB
PATHAN
Date: 2024.01.23
18:01:24 +0530

Haridas Vitthal Shinde & Ors

... Petitioners

V/s.

Sharadrao Bapuso Shinde & Ors

... Respondents

Mr. Vijay Killedar, for Petitioners.

Mr. Hemant G. Wakshe, for Respondent Nos.1 & 5.

Mr. Sanjay D. Rayrikar, AGP, for State/Respondent
Nos.3A to 3C.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 23, 2024

P.C.:

1. Rule.

2. Rule is made returnable forthwith.

3. The petitioners claim to be members of Managing Committee of Trust registered under the provisions of the Maharashtra Public Trust Act, 1950. Based on resolutions passed in the meetings dated 25 May 1985 and 18 July 1985, respondent Nos.1 to 5 filed an application bearing Miscellaneous Application No.1223 of 2015 under Section 12 and 12A of the Society Registration Act, 1950. By the resolutions dated 25 May 1985 and 18 July 1985, the tenure of Managing Committee was extended from three years to five years.

4. The respondent Nos.1 to 5 filed an application for condonation of delay. The Assistant Registrar of Societies, Sangli Area, Sangli allowed the Miscellaneous Application No.1223 of 2015 treating the application as uncontested.

5. According to the petitioners, the resolutions are forged and fabricated. The petitioners have raised a specific ground to that effect in the writ petition. According to the petitioners, no resolution has been claimed by respondent Nos.1 to 5 which were passed in the said meetings.

6. It is, therefore, necessary that the allegations made by the petitioners regarding the resolutions passed in meetings dated 25 May 1985 and 18 July 1985 to be forged and fabricated needs to be adjudicated by the Assistant Registrar of Societies, Sangli Area, Sangli. It is necessary for the additional reason that the resolutions were passed in the year 1985. However, the application to permit change as per the resolutions, the application for condonation of delay was filed in the year 2015. The petitioners being Trustees contesting the contents of resolutions needs to be given opportunity. Hence, following order:

i) The impugned order dated 7 November 2015 passed by the Assistant Registrar of Societies, Sangli Area, Sangli in Miscellaneous Application No.1223 of 2015 is quashed and set aside.

ii) The proceeding is remitted back to the Assistant Registrar of Societies, Sangli Area, Sangli. The Assistant Registrar of Societies, Sangli Area, Sangli shall decide Miscellaneous Application

No.1223 of 2015 in accordance with law.

7. Rule is made absolute in above terms.

8. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)