

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1998 OF 2024

Sakal Papers Pvt Ltd

.. Petitioner

Versus

Lila Parulekar Welfare Trust & Ors.

.. Respondents

.....

- Mr. Vishwajit P. Sawant, Senior Advocate a/w Mr. Prabhakar M. Jadhav for Petitioner
- Mr. P. G. Sawant, AGP for Respondent Nos. 2 and 3

.....

CORAM : MILIND N. JADHAV, J.

DATE : MARCH 12, 2024

P. C.:

1. Heard Mr. Sawant, learned Senior Advocate for Petitioner and Mr. Sawant, learned AGP for Respondent Nos. 2 and 3.

2. My attention is drawn to the impugned order dated 27.06.2019 passed in Applications below Exh. 8, 12 and 19 by the learned District Judge, Pune. Mr. Sawant at the threshold has drawn my attention to Exh. F, page No. 84 which is a decision of this Court dated 26.07.2023 passed in Writ Petition No. 3597 of 2022, *inter alia*, with respect to the challenge maintained to the impugned order itself, however in respect of Exh. 19 therein. He would submit that this Court after hearing Petitioner, in paragraph No. 7 had considered the Petitioner's case as having interest in the subject matter and requiring the Petitioner's impleadment in the event if the doctrine of cypres is invoked and if it

is required to be applied to the income derived by the Respondent Trust. He would submit that in that view of the matter, the Applications below Exh.8 and 12 are also required to be governed likewise as there is no change in position of facts at all. Rather, he would state that the issue covered under Exhs. 8 and 12 are on a much lesser footing than the issue under Exh. 19. All that he would submit on reading the provisions of Section 55 of the Maharashtra Public Trust Act, 1950 and more specifically sub-section (3) thereof, is that there is every possibility that application of doctrine of cypres to any other charitable or religious object may be invoked and therefore in that view of the matter, Petitioner desires to be heard in the event if the learned Charity Commissioner desires to alter any claim which is already settled in terms of the orders passed by this Court. It is seen that all that the Petitioner is at present asking is for it to be heard in the matter and in that view of the matter, I cannot take a different view than what has already been expressed by this Court in the order dated 26.07.2023, which in my opinion covers the present Writ Petition also. Considering the object of the Applications filed below Exhs, 8, 12 and 19 and this Court having passed the order below Exh. 19, the same order dated 26.07.2023 stands applicable also in so far as the Intervention Applications below Exh. 8 and 12 are concerned, resultantly leading to setting aside of the order dated 27.06.2019.

Applications filed below Exhs. 8 and 12 in Civil Appeal No. 276/2017 thus stand allowed. Intervention of the Petitioner is allowed.

3. With the above directions, Writ Petition is allowed and disposed.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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