

VRJ

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

WRIT PETITION NO.447 OF 2024

VAIBHAV
RAMESH
JADHAV
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Suhas Laxman Wakade Trustee &
Representative Kedareshwar Deosthan
Trust Dandeghar

... Petitioner

V/s.

Pallavi Shekhar Chidgupkar
claiming as hereditary trustee of
Kedareshwar Deosthan Trust,
Dandeghar & Ors.

... Respondents

Mr. Ojas Deolankar for the petitioner.

Mr. Kaustubh Thipsay with Mr. Shivraj Patne for
respondent No.1.

Ms. V. S. Nimbalkar, AGP for the State/respondent
Nos.2 & 3.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 24, 2024

P.C.:

1. By the impugned order, the Joint Charity Commissioner has condoned delay of 2 months and 18 days in filing appeal arising out of rejection of change report. According to the petitioner, on the date of passing of order all the respondents in original change report were not made parties.

2. Learned advocate for the respondents states that after condonation of delay the appeal is amended and they are made

parties.

3. However, according to the petitioner, all contesting respondents in the change report are still not made party. Therefore, it will be open for the petitioner to point out this defect to the Charity Commissioner and the Charity Commissioner shall adopt corrective measures.

4. Since, by the impugned order, the Joint Charity Commissioner has exercised discretion in positive manner unless there is perversity, the High Court in its constitutional jurisdiction need not interfere. Even otherwise, the order passed has effect of doing substantial justice, therefore, the writ petition under Article 227 need not be entertained. Hence, by keeping objection of the petitioner of joining parties open, the writ petition stands dismissed. No costs.

(AMIT BORKAR, J.)