

VRJ

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

WRIT PETITION NO.527 OF 2024

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B. Paramanandhan & Anr. ... Petitioners

V/s.

Balasubramanian Parandhaman & Ors. ... Respondents

Mr. Vineet Naik, Senior Advocate with Mr. Ashutosh Kulkarni i/by Mr. Akshay Kulkarni for the petitioners.

Mr. Anil Anturkar, Senior Advocate i/by Mr. Amol A. Gatne for respondent Nos.1 and 2.

Mr. R.S. Pawar, AGP for the State/respondent Nos.3 and 4.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 6, 2024

P.C.:

1. Arguable questions are raised. Hence, **Rule.**
2. Prima facie, the findings recorded by the Joint Charity Commissioner are in relation to non-compliance of procedure of holding meetings of the trust. The findings even if accepted do not lead to inference of forgery or fabrication. It is undisputed that the term of change which is subject matter of present writ petition is over. This point was raised before the Joint Charity Commissioner relying on judgment of this Court in the case of **Jagat Nayansing Swarupsingh Chithere vs. Swarupsingh Education Society and Anr.** reported in 1980 Mah.L.J. 372. The said judgment is, thereafter,

explained by Co-ordinate Bench of this Court in the case of **Marutirao Vishwanath Bagal and Others vs. Dinkar Kashinath More and Others** reported in 2004(4) Mh.L.J. 982. This Court has held that only in case of allegations of forgery or fabrication, the Charity Commissioner is under obligation to decide change report on merits after term of change has been expired. In the facts of the case, I am satisfied at this stage that in absence of findings of forgery or fabrication in the impugned order, Joint Charity Commissioner could not have decided the appeal on merits.

3. Hence, there shall be interim relief in terms of prayer clause (c).

(AMIT BORKAR, J.)