

VASANT
ANANDRAO
IDHOL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9485 OF 2024

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VASANT
ANANDRAO IDHOL
Date: 2024.07.11
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Charu Mehta	...Petitioner
Versus	
Chetan Mehta And Ors.	...Respondents

WITH

WRIT PETITION NO. 9475 OF 2024

Horticulture Produce Exporters Associations	...Petitioner
Versus	
Union Of India Throu. The Sec. Ministry Of Commerce And Industry And Ors.	...Respondents

WITH

WRIT PETITION NO. 9455 OF 2024

Prashant Mehta And Ors. Trustees Of Lilavati Kirtilal Mehta Medical Trust	...Petitioner
Versus	
Chetan Mehta And Ors.	...Respondents

WITH

WRIT PETITION NO. 9556 OF 2024

Sulbha Govind Dustkar Lhr Of Govind Dustkar	...Petitioner
Versus	
The Municipal Corporation Of Greater Mumbai	...Respondent

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Mr.Atul Damle, Senior Advocate with Mr.Abhishek Prabhu, Ms.Jyoti Ghag and Mr.Shailesh Prajapati i/b Dua Associates for the Petitioner in WP Nos.9485 of 2024 & and for Respondent No.3 in WP No.9455 of 2024.

Mr.Abhishek Salian with Mr.Raghav Taneja and Mr.Mayuresh Ingle i/b Vidhii Partners for Respondent No.1 in WP Nos.9485 of 2024 and 9455 of 2024.

Ms.V.R. Raje A.G.P for the Respondent – State.

Ms.Payal Vardhan i/b Minal Parab for the Respondent in WP No.9455 of 2024.

Mani Thevar i/b Ganesh & Co. for the Petitioner in WP No.9556 of 2024.

Mr.Pradeep M. Patil for the Respondent – BMC in WP No.9556 of 2024.

Ms.Renita Ann Alex i/b India Law Alliance for the Petitioner in WP No.9475 of 2024.

Mr.Abhishek Prabhu i/b Mr.Mohammed Asim for the Petitioner in WP No.9455 of 2024.

Mr.J.P. Patil, AGP for the Respondent – State in WP No.9455 of 2024.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 10th JULY, 2024

P.C.:

1. The order dated 08.07.2024 records certain petition numbers to be tagged with the present petition. Learned counsel in

Writ Petition Nos.9556 of 2024 and 9475 of 2024, submits that those petitions have nothing to do with the present petition, accepting which they are de-tagged, however with the costs of the Rs.5000/- to be paid as a condition precedent to Mahila Vikas Mandal, Colaba, having saving account in Bank of Baroda, Backbay Reclamation Branch, Mumbai –400020, A/c No.3820100002611, IFSC Code No.BARBOBACKBA, in the name of Mahila Vikas Mandal Colaba.

2. The learned counsel are *ad-idem* that Writ Petition No.9485 of 2024 and Writ Petition No.9455 of 2024 raise a similar issue and are required to be tagged with the present petition, the same be done.

3. Writ Petition No.9485 of 2024 questions the order dated 24.06.2024, which directs the petitioner to place on record copy of the resolution passed in meeting dated 20.12.2023. Writ Petition No.9455 of 2024 questions the order dated 24.06.2024, which is also to the same effect. The directions have been issued by the Learned Charity Commissioner to determine the necessity of impleading the parties to the appeal. In my considered opinion, the learned Charity Commissioner is entitled to satisfy himself as to the necessity of the parties seeking impleadment and with a view to arrive at a finding in

that regard to issue such directions, to place the resolutions on record. In that view of the matter, I do not see any reason to interfere in the impugned order.

4. The apprehension of the petitioner that the observations made in the order passed on an application for impleadment based upon the resolution would affect the merits of the change report filed on the basis of those resolutions is also unfounded, as any such observations would be limited for the purpose of deciding the application for impleadment and not otherwise. The petitions are therefore dismissed.

(AVINASH G. GHAROTE, J.)