



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
WRIT PETITION NO. 991 OF 2024**

Noor Jahan Begum Hamid Khan Secretary-
Indira Gandhi Urdu Education Society, Lonar
aged about 49 years, Occ. Household &
Agriculturist, R/o Goregaon, At post
Sindkhedraja, Tah. Sindkhedraja, Dist.
Buldhana

...Petitioners

// VERSUS //

1. Assistant Charity Commissioner, Buldhana
2. Abdul Gaffar Sheikh Musa,
Aged about 70 years, Occ. Business
R/o Qureshi Moholla, Lonar, Tah. Lonar,
Dist. Buldhana

... Respondents

Shri Kalyan Shiwarkar, Advocate h/f Shri Anand Parchure, Advocate for
the petitioners.

Shri P.P.Phedke, AGP for the respondent no.1/State.

Shri P.S.Patil, Advocate for the respondent no. 2.

**CORAM : ANIL S. KILOR, J.
DATED : 6th MAY, 2024.**

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith. Heard finally
by consent of the parties.

2. In this writ petition, the challenge is raised to the Order
Below Exhibit 45 dated 16th January, 2024, passed by the learned
Assistant Charity Commissioner-2, Public Trusts Registration Office,
Buldhana in Inquiry No. 1127 of 2013, rejecting the prayer of the
petitioner to set aside the order of no cross-examination and evidence

closed dated 5th July, 2023 passed Below Exhibit 1. The reasons for rejection of the application was the delay and as the petitioner did not file the objection along with the application. The learned Assistant Charity Commissioner has further observed that no sufficient reasons have stated in the application to set aside the order of no say.

3. Learned counsel for the petitioner submits that, the earlier counsel has not taken proper care in the matter and because of his mistake, the petitioner should not suffer. It is submitted that now the lawyer is changed and if one opportunity is granted to the petitioner, the petitioner would submit the say.

4. On the other hand, learned counsel for the respondent no.2 strongly opposed the present writ petition and submits that despite sufficient opportunities were granted, the petitioner failed to submit his say.

5. In light of rival contentions of the parties, I have perused the record and the impugned order.

6. After considering the nature of inquiry, the rights of the petitioner involved in this matter and the issues to be decided in this matter, I am of the opinion that one such opportunity needs to be granted to the petitioner subject to payment of costs. Moreover, if such opportunity is granted, no prejudice would be caused to the other side. Accordingly, I pass the following order.

- i. The writ petition is allowed;
- ii. The Order Below Exhibit 45 dated 16th January, 2024 passed by the learned Assistant Charity Commissioner-2, Public Trusts Registration Office, Buldhana in Inquiry No. 1127 of 2013 is hereby quashed and set aside and thereby the application Exhibit 45 is allowed and the petitioner is permitted to cross-examine the witnesses on next fixed date;
- iii. The petitioner and respondent no.2 shall undertake to cooperate the learned Assistant Charity Commissioner-2, Public Trusts Registration Office, Buldhana to complete the inquiry at the earliest;
- iv. The petitioner shall pay costs of Rs.5000/- to the respondent no.2 within one week from today.

[ANIL S. KILOR, J.]