



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 4445 of 2024

Raghunath Swami Devsthan, Varud (Jahangir), through its secretary Shri G. V. Kulkarni ..vs..
Uttam S/o Gajanan Bhore and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. V. A. Lohia, Advocate for the petitioner
Mr. A. M. Ghogre, AGP for respondent no. 3

CORAM : ANIL L. PANSARE J.

DATED : 08-08-2024

Heard.

2. The challenge is to order dated 23-2-2024 passed by the Assistant Charity Commissioner, Yavatmal in Enquiry No. 127/2023.

3. The respondent nos. 1 and 2 have filed application before the Assistant Charity Commissioner to implead them as party to the proceeding (change report) filed by the petitioner being Enquiry No. 127/2023.

4. The trust under question is a religious trust. According to the respondents, they are devotees of the trust and interested person in terms of Section 2(10) of the Maharashtra Public Trusts Act, 1950 (hereinafter referred to as 'the Act of 1950'). They had filed Miscellaneous Application No. 54/2022 before the Assistant Charity Commissioner to appoint them as trustees in terms of the scheme of the trust. The enquiry report is pending. The petitioner, however, thereafter filed a change report and sought to add one Mandar Prakashrao Deshmukh as trustee in place of expired trustee. The

Assistant Charity Commissioner held that since Miscellaneous Application No. 54/2022 by which the respondents are seeking to appoint them as trustees is pending and since they are interested persons in terms of Section 2(10) of the Act of 1950, their presence will be necessary.

5. I do not find any perversity in the aforesaid order. Their presence would not cause any prejudice to the petitioner rather in the interest of trust, their claim will have to be adjudicated on merit. Whether they are entitled for appointment as trustees is different matter. However, prior to their appointment as trustees, if the person suggested by the petitioner is appointed as trustee, the rights of respondents may come under cloud. In the circumstances, it will be appropriate to direct the Assistant Charity Commissioner to decide Miscellaneous Application No. 54/2022 and Enquiry Report 127/2023 together. Order accordingly.

6. With the above observations, petition is dismissed.

7. Copy of order be served upon the Assistant Charity Commissioner, Yavatmal.

(Anil L. Pansare, J.)