



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4592 OF 2024

MADHUKAR PARASRAM PATIL, (DEAD), THROUGH LEGAL HEIRS., SU-
LOCHANA MADHUKAR PATIL

VERSUS

SHIVSHAKTI BAHUUDYSHIYA SANSTHA, THROUGH ITS SECRETARY, SHRI.
LALCHAND BAPURAO TIDAKE AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.A. Kadu, Advocate for the Petitioner/s

CORAM : ANIL S. KILOR, J.

DATE : 10.09.2024

1. The present petition takes exception to the order dated 29.11.2023 passed below Exh.16, filed under Order VII Rule 11 of the Civil Procedure Code (CPC), to reject the plaint on the ground that a permission of the Charity Commissioner under Sections 50 and 51 of the Maharashtra Public Trust Act, is mandatory. It is submitted that said permission was not obtained and accordingly, the prayer was made to reject the plaint.

2. The learned trial Court, after considering the authorities of this Court, relied upon the plaintiff, namely (i) *Amarchand Tulshiram Gupta V/s Vasant Dhanaji Patil and others*, decided on 08th January 1982 and (ii) *Pandurang Patil V/s Nanded Parasi Anjuman Trust*, decided on 13th October 2010, wherein the provisions of Sections 50 and 51 of the Maharashtra Public Trust have been discussed, has come to the conclusion that there is no substance in the objection raised by the petitioner.

3. Since there is no perversity committed by the learned trial Court in rejecting the application under Order VII Rule 11 of the CPC, I do not find any merits in the present writ petition. Accordingly, the petition is **dismissed**.

[ANIL S. KILOR, J.]