

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

WRIT PETITION NO. 6876 OF 2023

Dr. Jeetsingh Bholaram Patle and others

Vs.

Assistant Charity Commissioner, Gondia and others

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

Court's or Judge's orders

Shri A.S. Mardikar, Senior Advocate with Shri V.R. Deshpande, Advocate for petitioners
Shri V.A. Thakre, Advocate for respondents/State
Shri S.S. Phadnis, Advocate for respondent No. 3

CORAM : AVINASH G. GHAROTE AND
SMT M.S. JAWALKAR, JJ.

DATE : 09.10.2024.

The only grievance raised is that the impugned order 23/02/2023 (page 89), by the Assistant Charity Commissioner, Gondia, was without affording opportunity of being heard, for which, the order below Exh.1, dated 16/02/2023 (page 88), is being pointed out. The record demonstrates that the order to proceed without hearing on account of absence of the parties was passed on 16/02/2023 and the impugned order has been passed on 23/02/2023, which would categorically indicate that it has been passed in absence of the petitioners. In that view of the matter, the impugned order is hereby quashed and set aside and the matter is remitted back to the Assistant Charity Commissioner, Gondia, for deciding application u/s 41-A afresh after hearing the learned Counsel for the parties. The petitioners and the

respondent No. 3, shall appear before the Assistant Charity Commissioner, Gondia, on 23/10/2024, without any further notice being required to be issued to them in that regard for their appearance. The Assistant Charity Commissioner, shall decide the application u/s 41-A within a period of 30 days from 23/10/2024. The petition is accordingly allowed in the above terms.

(SMT M.S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)

Jayashree..