



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

Writ Petition (WP) No. 385 of 2024

Manohar S/o Sitaramji Mungle

Versus

Anil S/o Natthuji Dekate

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

Court's or Judge's Order

Shri Dr.A.H.Jamal, Advocate for the petitioner.

Shri Prashant Gode, Advocate for the respondent.

CORAM : N.R.BORKAR, J.

DATED : 12th SEPTEMBER, 2024.

This petition takes exception to the order dated 2nd February, 2023 passed by the learned Assistant Charity Commissioner in Change Report No. 7 of 1983.

2. By the impugned order, the intervention application filed by the respondent herein was allowed.

3. The learned counsel for the respondent submits that the present petition has become infructuous as learned Assistant Charity Commissioner has already decided the change report No. 7 of 1983.

4. Learned counsel for the petitioner submits that two more change report being change report Nos. 165 of 2003 and 89 of 2022 are pending and in the said change reports also the learned Assistant Charity Commissioner has allowed the application filed by the respondent for intervention. It is submitted the

respondent is not the member of the trust in question and without deciding the said issue of membership, the learned Assistant Charity Commissioner erred in allowing the application for intervention.

3. The learned counsel for the petitioner submits that he has filed the application for amendment in the present petition and sought permission to challenge the order passed in the other two change reports allowing the application of the respondent for intervention.

4. It is not in dispute that change report No. 7 of 1983 has already been disposed of. As the impugned order arises out of said change report No. 7 of 1983 nothing survives in the present petition.

5. The order passed in the other change reports cannot be allowed to be challenged in the present petition as they are independent proceedings. It would be open to the petitioner to challenge those orders by filing independent petitions.

6. Needless to mention that this Court has not dealt with the merits of the matter and thus all the contentions are kept open.

7. The writ petition is disposed of in aforesaid terms.

[N.R.BORKAR, J.]