



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

Writ Petition No. 7986 of 2023

- (1) Shri. Ashok S/o Ananda (Earlier
Ananta) Ambore,
Aged – 40 years,
Occupation – Agriculturist,
R/o Dhamangaon Dev (Bk.),
Tahsil – Darwaha, District – Yavatmal.
(Maharashtra State)
- (2) Shri. Chaitanya S/o Gajanan Ambhore,
Aged – 25 years,
Occupation – Medical Practitioner,
R/o Khairkheda, Post - Adgaon,
Tahsil – Pusad, District – Yavatmal.
(Maharashtra State)
- (3) Shri. Gajanan S/o Bhopaji Ambhore,
Aged – 52 years,
Occupation – Agriculturist,
R/o Dhamangaon Dev (Bk.),
Tahsil – Darwaha, District – Yavatmal.
(Maharashtra State)

.... Petitioners

VERSUS

- (1) Shri. Vasudev S/o Bhopaji Ambhore,
Aged – Major,
Occupation – Agriculturist,
R/o Laxminarayan Nagar,
at Post – Pusad, Tahsil – Pusad,
District – Yavatmal.
(Maharashtra State)
- (2) Hon'ble Joint Charity Commissioner (JT.CC),
Amravati Region, Amravati,
having office at Amravati,
Tahsil & District – Amravati
(Maharashtra State)

(3) Hon'ble Assistant Charity Commissioner (ACC),
Yavatmal, having office at Yavatmal,
Tahsil & District – Yavatmal
(Maharashtra State)

.... Respondents

Mr. H. D. Dangre, Advocate for the petitioners
Mr. C. A. Babrekar, Advocate for respondent no. 1
Mr. A. M. Joshi, A.G.P. for the respondent nos. 2 and 3

CORAM : ANIL L. PANSARE J.

DATED : 30-07-2024

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard finally with consent of learned counsel appearing for the parties.

2. The petitioners, who are trustees of the trust under question, have challenged order dated 9-6-2023 passed by the Joint Charity Commissioner, Amravati. By the aforesaid order, the Joint Charity Commissioner has allowed the revision filed by the respondent herein. The Joint Charity Commissioner has quashed and set aside the order dated 1-7-2021 passed by the Assistant Charity Commissioner, Yavatmal in Inquiry No. 179/2021. The Assistant Charity Commissioner had rejected the change report filed in terms of Section 22 of the Maharashtra Public Trusts Act.

3. The change was reported because two trustees, namely, Ananta Narayan Ambore and Bhopaji Ganuji Ambhore expired. The

mode of succession of trusteeship is that the major son or daughter of the outgoing trustee/s shall be appointed by majority.

4. In the present case, there is no dispute as regards the replacement of Ananta Narayan Ambhore by Ashok, being son of Ananta. The dispute pertains to the outgoing trustee Bhopaji Ganuji Ambhore. He had two daughters, namely, Rukhmabai Bhopaji Ambhore and Gokarna Bhopaji Ambhore (since deceased). Bhopaji had three sons as well, namely, Manohar (deceased), Panjab and Vasudeo (respondent no. 1 herein). He has one more son who has been already appointed as trustee.

5. The trustees, by passing resolution, have recommended name of Chaitanya Gajanan Ambhore, petitioner no. 2 herein. He is admittedly not the son of Bhopaji. The Joint Charity Commissioner therefore, has set aside the order passed by the Assistant Charity Commissioner on the ground that he did not examine the mode of succession.

6. I do not find any error to the extent Joint Charity Commissioner finding fault in the appointment of petitioner no. 2 in place of Bhopaji. The Joint Charity Commissioner, however, has quashed and set aside entire change report when there was no objection to the

appointment of Ashok, petitioner no. 1 against the outgoing trustee, namely, Ananta. To that extent, order of Joint Charity Commissioner will have to be quashed and set aside.

In the result following order is passed.

ORDER

- (i) Writ petition is partly allowed.
- (ii) Order dated 9-6-2023 passed by the Joint Charity Commissioner, Amravati Region, Amravati in Revision Petition No. 06/2022 is quashed and set aside to the extent of rejecting change report replacing the name of Ananta Narayan Ambore by Ashok Ananta Ambore. The order of Joint Charity Commissioner rejecting the change report to the extent of replacing Bhopaji Ganuji Ambhore by Chaitanya Gajanan Ambhore is upheld.
- (iii) Inquiry No. 179/2021 is relegated back to Assistant Charity Commissioner, Yavatmal for the limited purpose of appointment of trustee in place of Bhopaji Ganuji Ambhore. It is made clear that there are two sons and one daughter eligible for appointment. The Assistant Charity Commissioner may seek resolution of the trustees for appointment of one out of these three and proceed to determine the inquiry in terms of mode of succession as also the provisions of law.

- (iv) The parties shall appear before the Assistant Charity Commissioner, Yavatmal on 12-8-2024.
- (v) All questions are kept open.
- (vi) Rule is made absolute in above terms.

(Anil L. Pansare, J.)

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