



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

WRIT PETITION NO.519 OF 1987

[Sheikh Habib Sheikh Hasham Mujawar and Anr. .Vs. The Joint Charity
Commissioner, Nagpur and Ors.]

WITH

FIRST APPEAL NO.192 OF 1986

[Sk. Habib Sk. Hasham Mujawar and Ors. .Vs. Sk. Mehboob Sk. Mannu and
Ors.]

WITH

FIRST APPEAL NO.207 OF 1991

[Sk. Kasam Sk. Hasam Mujawar and Anr. .Vs. The Charity Commissioner,
Bombay.]

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

Court's or Judge's order

Mr M. G. Bhangde, Senior Advocate a/b Mr S. S. Sarda, Advocate for
Petitioners/Appellants.
Mr Sunil. V. Manohar, Senior Advocate a/b Mr S. A. Chaudhari, Advocate for
Applicants.
Ms K. R. Deshpande, AGP for Respondent/State.

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

DATE : **29th FEBRUARY, 2024.**

. List the matters for final hearing on 08.03.2024, by which time, the learned counsels for both the sides will place on record a report by the competent Engineer indicating whether the structure which is existing as of now is repairable or not. Based upon the report, the Court shall consider passing of further orders regarding permissibility of repairs or a new structure.

CIVIL APPLICATION (F) NO.3507 OF 2023 in FIRST APPEAL
NO.192 OF 1986 AND CIVIL APPLICATION (W) NO.3342 OF
2023 in WRIT PETITION NO.519 OF 1987.

2. Both the civil applications seek addition of the Ad-hoc Committee appointed by the Joint Charity Commissioner as respondent No.8 and respondent No.9 respectively.

3. Mr Manohar, learned senior counsel for the applicants contended, that the presence of the Ad-hoc Committee of Trustees is necessary for it to point out the factual position regarding the state of affairs, which would assist the Court in deciding finally the matter in issue.

4. This is opposed by Mr Bhangde, learned senior counsel for the appellants contending that the Ad-hoc Committee is a creature of the order of the Joint Charity Commissioner, and therefore, is neither a necessary nor a proper party and therefore the addition is not permissible.

5. Considering the nature of the litigation and the various disputes raised therein, in our considered opinion, the presence of the Ad-hoc Committee would be necessary on record to assist the Court to point out the factual position, on the basis of which, the lis has to be decided considering which, both the applications are **allowed**.

6. The Ad-hoc Committee be added as respondent No.8 and respondent No.9 respectively in the First Appeal and Writ Petition. It is made clear that the role of the Ad-hoc Committee would not be adversarial in nature but is

for the purpose for the assisting the Court in deciding the list.

7. The additions be carried out forthwith. Mr S. A. Chaudhari, learned counsel, waives notice for the added respondents.

(M. S. JAWALKAR, J.)

(AVINASH G. GHAROTE, J.)