



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

Writ Petition (WP) No. 1541 of 2019

Vasant Pundlik Ingale

Versus

Sudam Namdeo Khandare 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 V.K.Paliwal, Advocate for the petitioner.

Shri A.J.Gilda, Advocate for the respondent nos. 1 to 4
and 8.

Shri A.J.Gohokar, AGP for the respondent nos. 9 to 10.

CORAM : ANIL S. KILOR, J.

DATED : 19th JANUARY, 2024.

Heard.

2. The petitioner filed a revision before the learned Joint Charity Commissioner, Amravati challenging the acceptance of change report vide judgment and order dated 26th December, 2012 passed by the learned Assistant Charity Commissioner, Washim in change report bearing Inquiry No.674 of 2012.

3. It is the case of the petitioner that no notice was served upon him therefore, he could not appear and

could raise any objection before the learned Assistant Charity Commissioner, Washim. It is submitted that, on receiving the knowledge about acceptance of change report he approached to the Joint Charity Commissioner, Amravati, who rejected the revision application by recording following reasons, which read thus:

5. As per the change report, new executive committee was elected in which the Secretaryship was transferred to another member namely respondent No.4 and therefore, petitioner must have required to transfer the charge of Secretaryship to the respondent No.4. Under this circumstances, when the petitioner has not specifically mentioned the date of knowledge of the impugned order, it cannot be said that the petitioner was not having knowledge of impugned order till filing of revision. Thus there is no reasonable cause for delay in filing the revision. No doubt, there is no prescribed period of limitation for filing revision under Section 70A of the Maharashtra Public Trust Act but at least revision should be preferred within a reasonable time. The reasonable time can be ascertained only on the basis of knowledge of the petitioner or the difficulty faced by the petitioner in filing the petition. As discussed above, the petitioner has nowhere pleaded the knowledge or any difficulty in filing revision, therefore, as the revision is not preferred by the petitioner within reasonable time, the revision is liable to be dismissed on this count only.

6. On perusal of record of lower authority, it appears that, change report was supported with no objection of the outgoing trustees, consent letter of incoming trustees, duly signed by the petitioner, copy

of notice of meeting of executive committee, minutes of meeting of executive committee dated 01-04-2011, copy of notice of general body meeting dated 02-04-2012, minutes of meeting of general body dated 02-04-2012 wherein new executive committee was elected. All these documents bear signature of the petitioner. The list of members was also produced before the lower authority wherein name of petitioner is written at Sr.No.3 bearing his signature. Not only this, an affidavit Exh.6 sworn by petitioner was also produced in the matter giving no objection for accepting the change report and after considering all these documents and holding inquiry, the learned lower authority accepted the change report. Except bare statement of petitioner, that the documents do not bear his signature there is nothing on record to support his contention. Even he has not produced any document to show that he filed any complaint against the respondents and advocate who identified him while swarning the affidavit. As discussed above, no reason is given by the petitioner for not challenging the order within reasonable time. Hence, no illegality found in the judgment and order passed by learned lower authority, therefore, on this ground also the petition is liable to be dismissed. Hence, point No.1 is answered in affirmative and following order is passed....”

4. Considering the above referred observations as it is the case of the petitioner that his signatures were forged, this Court has no jurisdiction to enter into the disputed question of fact and to decide the above referred dispute.

5. In that view of the matter and considering the findings recorded by the learned Joint Charity Commissioner, Amravati, I do not find any perversity in the order passed by the learned Joint Charity Commissioner, Amravati. As there is no merit involved in the present writ petition, the writ petition is dismissed.

6. At this stage, Shri Paliwal, learned counsel for the petitioner seeks liberty to take appropriate proceedings before the appropriate forum to adjudicate his case that his signatures were forged.

7. Liberty is granted as prayed for.

8. If such proceedings are filed, the Authority/ Court may consider the issue of limitation on merit in accordance with law.

[ANIL S. KILOR, J.]