



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 WRIT PETITION NO. 5648 OF 2023

AUGUSTIN VIJAYKUMAR JANWADKAR AND ANOTHER
VERSUS
JAYANT DEODATT PATEKAR

...
Mr. P.S. Chavan – Advocate for Petitioners
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 12.12.2025

PER COURT :

1. Heard learned Counsel for the petitioners.
2. The present petition is directed against the order dated 16.12.2021 passed by the learned Joint Charity Commissioner, Latur, whereby the application filed by the petitioners below Exhibit 34 in application No.202/2018 came to be dismissed.
3. Learned Counsel for the petitioners submits that the respondent is in illegal possession of the property. In fact the property owned by them was allotted to one Deodatta Patekar and after his death respondent is in illegal possession of property. Therefore the petitioners filed application under Section 41-E of the Maharashtra Public Trust Act, 1950.
4. I have gone through the order passed by the learned Joint Charity

Commissioner. The record reveals that the suit bearing R.C.S. No.96/2004 was dismissed in default for want of evidence against which the petitioners filed appeal as per M.C.A. No.76/2005 which came to be dismissed on 07.10.2010 for want of presence of the petitioners. The petitioners also preferred Writ Petition No.768 of 2018 and sought the restoration of counterclaim filed in the suit bearing R.C.S. No.96/2004 in consequence of restoration of setting aside the order in M.C.A. No.235 of 2015. I am of the opinion that the learned Joint Charity Commissioner has rightly rejected the application filed by the petitioners, therefore, I am not inclined to interfere with the order dated 16.12.2021 passed by the learned Joint Charity Commissioner, Latur, under Article 227 of the Constitution of India.

5. In view thereof, the Writ Petition is dismissed. No order as to costs.

6. However, the petitioners are at liberty to raise all these issues in their counterclaim and the same shall be considered by the learned Trial Court on its own merits without being influenced by the order passed by the learned Joint Charity Commissioner or by any observations made by this Court.

[SIDDHESHWAR S. THOMBRE]
JUDGE