

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

1039 WRIT PETITION NO. 8964 OF 2023

AIJAZ AHMED ABDUL RAHIM KHAN
VERSUS
MOHD NAEEM AKHTAR A HAMID KAZI AND OTHERS

...
Advocate for the Petitioner : Mr. Dixit Sushant V.
Advocate for Respondent Nos. 1 & 3 : Mr. Wani Girish V.
...

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 11.12.2025

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioner assails the order dated 06.04.2023 passed below Exhibits 39 in Change Report No.102 of 2025 by learned Deputy Charity Commissioner, Jalgaon, whereby application filed by respondent No. 1 for permission adduce secondary evidence was allowed. The petitioner also assails the order dated 01.06.2023 passed below Exhibit 45 in Change Report No.102 of 2025 by learned Deputy Charity Commissioner, Jalgaon, whereby, the application filed by petitioner to decide preliminary issue came to be rejected.
3. Mr. Dixit, learned Counsel for the petitioner submits that the proceeding of change report was misplaced and proceeding was re-constructed on the basis of earlier change report. Therefore, the applicant has filed application for leading secondary evidence. The application below Exh. 45 was filed by the respondent No. 1 for deciding

preliminary issue that whether the the applicant has *locus standi* to file the change report and whether the change report is tenable under section 22. The said preliminary issues should have been decided by the Deputy Charity Commissioner but the same was not done, therefore, he prays for setting aside the order passed by the Deputy Charity Commissioner. The respondent herein tried to place on record a Membership Register which had no relevance.

4. Per Contra, learned Counsel Mr. Wani supports the order passed by the Deputy Charity Commissioner.

5. I have considered the arguments advanced by both the parties and I have gone through the order passed below Exh. 39 wherein, the learned Deputy Charity Commissioner has recorded a finding that the proceeding of change report was admittedly lost at the time of transfer of that office, therefore, granted permission to lead secondary evidence in the matter. I have also gone through order passed below Exh. 45 wherein, the learned Deputy Charity Commissioner has given a finding that the preliminary issue can be decided simultaneously with the other issues. I am of the opinion that such finding do not require interference by this Court.

6. Therefore, I do not find any reason to interfere with the order dated 06.04.2023 passed below Exhibits 39 and the order dated 01.06.2023 passed below Exhibit 45 in Change Report No.102 of 2025 by learned Deputy Charity Commissioner, Jalgaon under Article 227 of the Constitution of India.

7. As both learned Counsel submits that the proceeding pending since 2015, in view thereof, the learned Deputy Charity Commissioner is directed to decide the proceeding within one year from today.

(SIDDHESHWAR S. THOMBRE, J.)

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