



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**917 WRIT PETITION NO.12243 OF 2025**

**MEERAI SHIKSHAN PRASARAK MANDAL AND  
OTHERS**

**VERSUS**

**MANOJ NANDLAL MOTARIYA AND OTHERS**

...

Advocate for the Petitioners : Mr.N.S.Tekale h/f.

Mr.P.D.Dadpe

Advocate for Respondent no.1 : Mr.S.S.Joshi

...

**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 07.10.2025**

**P.C. :**

1] By the present Writ Petition, the petitioners challenge the orders dated 06.08.2025 and 23.09.2025 passed by the 10<sup>th</sup> Joint Civil Judge Senior Division, Aurangabad below Exh. 84 and 85 in Regular Darkhast No.428/2012.

2] Brief facts of the case are that the petitioner no.1 is a public trust duly registered under the provisions of the Maharashtra Public Trusts Act. The property bearing CTS No.12369/192 and 12369/193 situated at Basayye Nagar, Aurangabad is the subject matter of the Regular

Darkhast No.428/2012. The respondent no.1 has obtained decree of possession qua the suit property against the trustees i.e. the respondent nos. 2 to 11. In execution of the decree, the petitioners are objecting to the decree and resisted contentions that the petitioners are distinct from the respondent nos. 2 to 11. Thereafter, the petitioners moved application at Exh. 84 for production of documents and application at Exh. 85 to summon the public official to prove the documents.

3]           The learned counsel for the petitioners submits that in the event the petitioners are permitted to produce certified copies of the documents mentioned in the application at Exh.84, he would not press for the relief of summoning of Government official. However, as per the application at Exh.85 permission was sought to summon the Superintendent of the Charity Commissioner's office to prove public documents. The learned counsel for the petitioners, on instructions, submits that he would not press the prayer to summon the Superintendent of the Charity

Commissioner's office to prove the documents. The learned counsel further submits that the petitioners would not examine any further witness in the matter.

4] The learned counsel for the respondent no.1 submits that the application filed at Exh. 84 for production of documents are only for the purpose of delaying the proceedings. He further submits that there is evidence on record that the respondent nos.2 to 11 are the trustees. He further submits that the school runs at different place.

5] Considering the submission, the order dated 06.08.2025 passed by the 10<sup>th</sup> Joint Civil Judge Senior Division, Aurangabad below Exh. 84 in Regular Darkhast No. 428/2012 is quashed and set aside. The petitioners are permitted to produce on record the certified copies of the documents mentioned at Exh. 84. However, I have not expressed anything on the merits of the documents or the proof of the documents and the same will be within the jurisdiction of the Civil Court to decide.

6]           The learned counsel for the petitioner has made a statement that the petitioners would not examine any further witness in the matter. The Executing Court is directed to dispose of the proceedings within a period of three months from the date of production of this order.

7]           The present Writ Petition is disposed of with above observations.

**[ARUN R. PEDNEKER]**  
**JUDGE**

DDC