



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

916 WRIT PETITION NO. 12583 OF 2024

GITA MANIKRAO PATIL

VERSUS

SANDHYA VISHWANATH TARATE AND OTHERS

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Mr. B. A. Dhengle, Advocate for the Petitioner

Mr. V. C. Salgare, Advocate for Respondent Nos. 1 to 7

CORAM : R. M. JOSHI, J.

DATE : 24th SEPTEMBER, 2025

P.C. :-

1. By consent of both sides, heard finally at the stage of admission.
2. This Petition takes exception to order passed below Exhibit 139 dated 28th August, 2024 by the Deputy Charity Commissioner (DCC), Aurangabad Region, Aurangabad in Inquiry No. 992 of 2018 under Section 22 of the Maharashtra Public Trust Act, closing the evidence of the Petitioner i.e. Respondent therein.
3. The facts as there appear from the record indicate that the proceeding of Inquiry No. 992 of 2018 is pending before the Deputy Charity Commissioner since 2018. The Petitioner, however, was joined as a party to the said proceeding by order dated 2nd March, 2021. After evidence was led by the Respondent herein, the Petitioner examined four witnesses and last of the witness was examined on 8th June, 2023.

Since, thereafter no evidence was led, the DCC passed order impugned closing evidence of the Petitioner, hence this Petition.

4. Learned Counsel for the Petitioner submits that total five witnesses were to be examined by the Petitioner out of which four witnesses are already examined. It is his submission that the fifth witness is the Principal of the College and he is relevant witness for the decision of the case. Thus, according to him the authority ought to have granted reasonable time to the Petitioner to lead evidence of this witness. In any case, it is his submission that by imposing appropriate cost, the order impugned could be set aside.

5. Learned Counsel for the Respondent supported the impugned order. He drew attention of the Court to the roznama of proceeding which according to him indicates that the Petitioner was given sufficient opportunity to lead evidence, however, he has failed to lead the evidence and hence, there is no reason to cause interference in the impugned order.

6. The facts on records indicate that the Petitioner was not only joined as a party to the said proceeding, but also led evidence of four witnesses. The Petitioner desired to examine in all five witnesses thus, examination of last witness is remaining. In such circumstances, even accepting the contention of the learned Counsel for the Respondent

about no steps being taken earlier to lead evidence of the said witness, it would be a fit case to give an opportunity to the Petitioner to examine fifth witnesses subject to the payment of cost of Rs.5,000/- payable to the Respondent by Petitioner.

7. The parties to appear before the DCC on 6th October, 2025. The Petitioner is liberty to move an Application for issuance of witness summons to witness No.5. DCC to ensure that the witness summons is served upon the witness before the next date of hearing. The next hearing shall not be beyond 15th October, 2025. Witness to be examined on 15th October, 2025 and his cross examination also be completed on the same day.

8. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)

ssp