

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11780 OF 2025**

Shri. Siddheshwar Devasthan
Trust, Solapur, Redg. No. A-249/
Solapur, Through it's President
Mr. Dharmaraj Annaraj Kadadi,
Age: 64 years Occu.: Business,
Office at Siddheshwer Temple,
Siddheshwer Peth, Solapur.

....Petitioner/
Ori. Respondent No. 1

Vs.

1. Sanjay Bhimashankar Thobde,
Age: 64 years, Occu.: Business,
R/o. 701, North Kasba,
Solapur.
2. Dr. Shivmurti Basappa Shahir
Deceased
3. Shrishil Dhanappa Kapse
Deceased
4. Revanshidh Sidramppa Patil,
Age: 79 yrs, Occu.: Business,
R/o. Purva Mangalwarpet,
Solapur.
5. Gangadhar Nilkanth Kumthekar,
Age: 86 yrs, Occu.: Business,
R/o. Purva Mangalwarpet,
Solapur.
6. Vishwanath Baslingappa Burhanpure,
Deceased
7. Gundappa Kalappa Karbhari
Deceased

.....Respondent No.1/
Original Applicant.

8. Sheshnarayan Devappa Pasarkar,
Deceased
9. Subhash Bandappa Munale,
Age: 78 yrs, Occu.: Business,
R/o. 4/21, Bhawani Peth,
Solapur.
10. Sidramppa Nagappa Bamani,
Age: 81 yrs Occu.: Business,
R/o. 409, East Mangalwar Peth,
Solapur.
11. Nanadkumar Sidheshwar Mustare,
Deceased.
12. Dharamraj Annaraj Kadadi,
Age: 64 yrs, Occu.: Business,
R/o. Railway Lines, Solapur.
13. Somshekhar Mallikarjun Deshmukh,
Age: 86 yrs, Occu.: Agriculture.
R/o. 319, North Kasaba, Solapur.
14. Balasaheb Vishwanath Bhogade,
Age: 71 yrs, Occu.: Business,
R/o. 184, Goldfinch Peth, Solapur.
15. Vishwanath Shivlingappa Aalange,
Age: 71 yrs, Occu.: Advocate,
R/o. 87-A/35, Bhawani Peth,
Solapur.
16. Kashinath Shankarappa Dargopatil,
Age: 79 yrs, Occu.: Business,
R/o. 152, Guruwar Peth, Solapur.
17. Mallikarjun Gangadhar Kalake,
Age: 79 yrs, Occu.: Business,
R/o. Sidheshwar Sugar Factory
Quarter, Solapur.

18. Chidanand Revansidappa
Wanarote Deceased.
19. Girish Nanasaheb Gornalli,
Age: 79 yrs, Occu.: Business,
R/o. 300, East Mangalwar Peth,
Solapur.
20. Gourishankar Dhondappa
Dumane Deceased.
21. Sunil Balasaheb Chavan,
Age: 68 yrs, Occu.: Business.
R/o. Kailas 4/2, Railway Lines,
Solapur.
22. Mallinath Annappa Jodbhavi,
Deceased.
23. Nilkanth Madiwalppa Konapure,
Age: 89 yrs, Occu.: Business,
R/o. 195/22, Budhwar Peth,
Solapur.
24. Vishwanath Nagappa Labba,
Age: 82 yrs, Occu.: Business,
R/o. 428, East Mangalwar Peth,
Solapur.
25. Basawaj Mahadev Astagi,
Deceased.
26. Shivkumar Shivlingappa Patil,
Age: 62 yrs, Occu.: Business,
R/o. 45/11, Prabhakar Hosing
Society, Solapur.
27. Gururaj Rudresh Malage,
Age: 58 yrs, Occu.: Business,
R/o. 303, East Mangalwar Peth,
Solapur.

28. Rajendar Somshekhar Ghuli,
Age: 68 yrs, Occu.: Doctor,
R/o. 604A, Mangal Residency,
Jule Solapur, Solapur.
29. Rajshekhar Ramling Yelikar,
Age: 67 yrs, Occu.: Teacher,
R/o. 77, Vishal Nagar,
Jule Solapur, Solapur.
30. Suresh Sidharam Mhetre,
Age: 58 yrs, Occu.: Business,
R/o. 7, Gurappa Mhetre Vasti,
Kumtha Naka, Solapur.Respondent No. 2 to 30/
Ori. Respondent No. 2 to 30
31. Ld. Joint Charity Commissioner,
Pune Region.Respondent No. 31

Mr. Satish Talekar, Senior Counsel, i/b. Mr. Ishaan Kapse & Mr. Saurabh Veer, for the Petitioner.

Mr. Abhijit Adagule with Ms. Manjiri Kulkarni, for the Respondent.

Mr. Sanjay D. Rayrikar, AGP, for the Respondent No.31-State.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 10th NOVEMBER 2025

JUDGMENT :-

1. The present Writ Petition takes exception to order dated 10th October 2025 passed below Exhibit-229 in Application No.22 of 2018 by learned Joint Charity Commissioner II, Pune Region (For short, '**JCC**'), thereby rejecting application for inspection of trust property under Order 18 Rule 18 of Code of Civil Procedure read with Section 73 of Maharashtra Public Trust Act, 1950 (For short, '**MPT Act**').

2. Respondent No.1 has filed an application under Section 41D of MPT Act against Petitioner. In pursuance to said application, on 27th November 2018, three charges have been framed against Petitioner and other trustees. Later on, on 7th December 2018, four additional charges have been framed. The evidence of parties have been recorded. Since proceeding was delayed for one or other reason, this Court issued directions in Writ Petition No.18783 of 2024 to decide proceeding within a period of two months. On 26th August 2025, arguments have been concluded by Respondent No.1. At this stage, Petitioner filed application below Exhibit 229 seeking inspection of trust property. The learned JCC after considering rival contentions rejected Petitioner's application.

3. Mr. S. B. Talekar, learned Advocate appearing for Petitioner would submit that application tendered by Petitioner seeking inspection of trust property has been rejected on erroneous grounds. He would submit that learned JCC failed to consider object and purport of Order 18 Rule 18 of CPC and declined to entertain application observing that it is not maintainable or filed at belated stage.

4. Mr. Talekar, relying upon observations of Delhi High Court in case of *Bhagwant Singh Deceased Through LRs. v. Gurcharan Kaur & Anr.*,¹ *President, Bharat Sevashram Sangha v. Secretary to the Government of Meghalaya & Ors.*² and observations of Supreme Court in case of *Ugamsingh & Meshrimal v. Krsrimal & Ors.*³ submitted that trial Court is empowered to cause inspection of trust property for purpose of understanding evidence in case. Such powers can be exercised at any stage of proceeding, and particularly, after recording of evidence of parties. He would submit that in present case, Petitioner had made application for inspection of various projects carried by Petitioner in pursuance to object of trust, and clear doubts or confusion irrupted during proceeding.

5. Per contra, Mr. Adgule, learned Advocate appearing for Respondents vehemently opposed prayers in Writ Petition. He would urge that this Court has already expedited hearing of 41-D proceeding. The parties have led evidence in pursuance to charges framed. The arguments are also partially over. The present application is one more attempt to protract the proceeding.

1 2014 SCC OnLine Del 4200.

2 (2013) 3 Gauhati Law Report 586.

3 1970 (3) SCC 831.

6. Mr. Adgule relying upon observations of Allahabad High Court in case of *Murlidhar & Ors. v. State of U.P. through Secretary, Revenue Department, Civil Secretariat, U.P., Lucknow & Ors.*⁴ and *P. S. Rengarajan v. K. G. Pandurangan*⁵ submits that power under Order 18 Rule 18 of CPC to cause inspection by Court is a discretion of Court, only to meet the ends of justice, where further clarity is needed. Such an order can be passed only when Court wants to exercise the same. The power cannot be exercised at behest of parties.

7. Having considered submissions advanced by learned Advocate appearing for respective parties, it is evident that 41D proceeding initiated by Respondent No.1 against Petitioner has reached to the stage of arguments. The Respondents have already concluded arguments. Undisputedly, Division Bench of this Court in Writ Petition No.18783 of 2024 issued a direction to expeditiously dispose of proceedings preferably within a period of two months.

8. The Trustees are facing charges in proceedings under Section 41D of MPT Act. The charges are relating to demolition or construction made in temple, not utilizing property to benefit of

4 2010 SCC OnLine All 1141.

5 2012 (5) CTC 407.

Trust, non-submission of application for framing of schemes, non-conducting elections of trust, illegally felling trees and initiated construction contrary to government directives. Both the parties have recorded evidence in pursuance to aforesaid charges. The Petitioners have examined as many as seven witnesses in support of their contentions. Apparently, there is voluminous evidence on record which would answer charges framed.

9. The Petitioner's application for inspection was submitted at stage of argument. The application nowhere specify purpose behind proposed inspection. The power under Order 18 Rule 18 of CPC is available to Court, when Court desires to have inspection for clearing its own doubts irrupted out of pleading and evidence led by parties. Courts can *suo moto* exercise powers, but none of the parties can be permitted to resort provisions with intention to test veracity or correctness of evidence adduced in case or when two sets speaks about state of facts in a contradictory fashion.

10. In present case, at least from contents of application, no purpose is discernible for making such inspection. There cannot be dispute that Court can exercise powers at any stage of proceeding

particularly, after recording of evidence as contended by Mr. Talekar. However, in present case apparently, there is no plausible reason for exercising such power. The stage of filing application by Petitioner suggests that it is mere an attempt to protract the proceedings, particularly in wake of directions issued by Division Bench of this Court for expeditious disposal of proceeding.

11. In that view of the matter, this Court finds no reason to invoke powers under Article 227 of the Constitution of India and interfere in order impugned in Petition.

12. In result, Writ Petition stands rejected

(S. G. CHAPALGAONKAR, J.)

Digitally
signed by
RAJU
DATTATRAYA
GAIKWAD
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