

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
WRIT PETITION NO.12348 OF 2025  
AND  
WRIT PETITION NO.12360 OF 2025  
AND  
WRIT PETITION NO.12359 OF 2025  
AND  
WRIT PETITION NO.12358 OF 2025  
AND  
WRIT PETITION NO.12356 OF 2025  
AND  
WRIT PETITION NO.12357 OF 2025  
AND  
WRIT PETITION NO.12355 OF 2025  
AND  
WRIT PETITION NO.12354 OF 2025  
AND  
WRIT PETITION NO.12353 OF 2025  
AND  
WRIT PETITION NO.12352 OF 2025  
AND  
WRIT PETITION NO.12351 OF 2025  
AND  
WRIT PETITION NO.12349 OF 2025  
AND  
WRIT PETITION NO.12362 OF 2025  
AND  
WRIT PETITION NO.12361 OF 2025  
AND  
WRIT PETITION NO.12367 OF 2025  
AND  
WRIT PETITION NO.12366 OF 2025  
AND  
WRIT PETITION NO.12365 OF 2025  
AND  
WRIT PETITION NO.12364 OF 2025  
AND  
WRIT PETITION NO.12363 OF 2025  
AND  
WRIT PETITION NO.12371 OF 2025  
AND  
WRIT PETITION NO.12372 OF 2025  
AND  
WRIT PETITION NO.12369 OF 2025  
AND  
WRIT PETITION NO.12370 OF 2025

**AND**  
**WRIT PETITION NO.12368 OF 2025**  
**AND**  
**WRIT PETITION NO.12376 OF 2025**

Kolhapur Medical Association, Kolhapur,  
 Reg. No.E/127/Kolhapur,  
 2802, B Ward, Mangalwar Peth,  
 Kolhapur  
 Through its Secretary,  
 Dr. Arun Shankar Dhumale  
 31E, Rajendranagar, Kolhapur,  
 Kolhapur.

..Petitioner

Versus

Joint Charity Commissioner,  
 Kolhapur Division,  
 Kolhapur.

..Respondent

...

Mr. V. A. Shastry, Advocate for Petitioner.  
 Mr. S. d. Rayrikar, AGP for Respondent/State.

...

**CORAM : S. G. CHAPALGAONKAR, J.**  
**DATED : 18<sup>th</sup> DECEMBER, 2025.**

**FINAL ORDER:-**

1. The petitioner takes exception to order dated 26.08.2025 passed by Joint Charity Commissioner, Kolhapur in Miscellaneous Application Nos.32/2025, 28/2025, 27/2025, 26/2025, 24/2025, 25/2025, 36/2025, 35/2025, 34/2025, 30/2025, 29/2025, 33/2025, 20/2025, 21/2025, 13/2025, 12/2025, 14/2025, 15/2025, 16/2025, 23/2025, 22/2025, 18/2025, 17/2025, 19/2025, 31/2025 respectively, thereby declining to condone delay caused in filing Appeals against order passed by Deputy Charity Commissioner, Kolhapur.

2. The petitioner is a Trust registered under provisions of Maharashtra Public Trust Act, 1950 (for short 'MPT Act'). In general body meeting of Trust, new management of petitioner-Trust was

elected and Change Report under Section 22 of MPT Act for recording change was filed. On 24.12.2024, Deputy Charity Commissioner, Kolhapur rejected change report primarily on the ground of delay in filing Change Report. On 01.01.2025, petitioner applied for certified copies of order passed by Deputy Charity Commissioner. On 05.05.2025, they received certified copy. On 06.06.2025, they filed Appeals before Joint Charity Commissioner under Section 70 of MPT Act. On 26.08.2025, Joint Charity Commissioner rejected applications for condonation of delay caused in filing Appeals on the ground that petitioner failed to file Appeals within 60 days from date of order.

3. Mr. Shastry, learned Advocate appearing for petitioner would submit that learned Deputy Charity Commissioner had rejected Change Reports on 24.12.2024. On 01.01.2025, application was submitted for certified copy and same is issued on 05.05.2025. Therefore, time consumed in obtaining certified copy ought to have been considered while counting period of limitation. However, learned Joint Charity Commissioner refused to count coping days for purpose of limitation for reason that petitioners had not deposited requisite certified copies charges till 05.05.2025, hence, they are not entitled for exemption of days consumed in obtaining certified copies.

4. Mr Shastry would submit that when application was tendered by petitioner for certified copy, it was for office of Joint Charity Commissioner to prescribe requisite changed and communicate same

to petitioner. In present case, on 05.05.2025, Superintendent has calculated requisite amount and directed Accountant to accept same. The petitioner immediately deposited amount and obtained certified copy.

5. Mr. Rayrikar, learned AGP appearing for respondent/State supports impugned order on the basis of affidavit in reply filed on behalf of respondent.

6. Perusal of record tendered into service depicts that Deputy Charity Commissioner passed order of rejection of Change Report on 24.12.2024. The petitioner had applied for certified copy on 01.01.2025 and which is delivered on 05.05.2025. It is contention of respondent that petitioner was negligent in depositing amount required for certified copy and immediately after deposit of amount, certified copy has been issued. However, record indicates that first time Superintendent has passed endorsement dated 05.05.2025 directing Accountant to accept amount of Rs.3200/- towards certified copy charges. There is nothing on record to show that petitioners were communicated about exact charges to be deposited towards certified copy prior to 05.05.2025.

7. Apparently, there was no occasion for petitioner to deposit amount. Section 12 of Limitation Act 1963, prescribes for exclusion of time in legal proceedings. Sub-section (3) of Section 12 prescribes that “where decree or order is appealed from or sought to be revised or

reviewed, or where an application is made for leave to appeal from decree or order, time requisite for obtaining copy of judgment shall also be excluded”. Explanation to Section 12 further prescribes that “in computing under this section time requisite for obtaining copy of decree or an order, any time taken by Court to prepare decree or order before application for copy thereof is made shall not be excluded”.

8. In present case, in absence of record indicating that petitioner was communicated to deposit particular amount towards charges for obtaining certified copy, it will have to be presumed that petitioner was not communicated about requisite amount till 05.05.2025, when Superintendent has put his remark specifying an amount towards charges of certified copy. In that view of matter, petitioner cannot be blamed to be negligent in depositing amount required for certified copy. In result, impugned order cannot be sustained in law. Appeals filed by petitioner were, therefore, within prescribed period of limitation after excluding time consumed in obtaining certified copy. Hence, following order:

**ORDER**

- a. Writ Petitions stand allowed in terms of prayer Clause (a).
- b. The Joint Charity Commissioner shall register Appeals and decide same on its own merits.

**(S. G. CHAPALGAONKAR)**  
**JUDGE**