

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 133 OF 2019

Pandurang Haridas Survase and Others. ...Petitioners.

Versus

The Dy. Charity Commissioner,
Solapur and Others. ...Respondents.

Mr. Sharad T. Bhoslae for the Petitioner.

Mr. Ashutosh M. Kulkarni i/b Mr. A. A. Kulkarni for the Respondent No. 1.

Coram : Sharmila U. Deshmukh, J.

Date : March 5, 2025.

P. C. :

1. The contempt Petition has been filed alleging contempt of the order of 16th June 2017 by the Assistant Charity Commissioner for non compliance of paragraphs 16 and 17 of the said order, which read thus :

“16. The decision of the Assistant Charity Commissioner on the change reports is to be communicated to the Registrar General of this Court within a period of six months from today.

17. Similarly the recommendation on the scheme is also to be transmitted to this Court on its Appellate Side within that period of six months.”

2. This Court at the time of hearing of contempt Petition was informed that there is non compliance of the order as neither the decision on the change report was communicated to this Court nor the recommendation on the scheme was placed before this Court. In view

of the submissions made and in the absence of any record to demonstrate compliance, this Court issued notice to the Respondent No.1 under Rule 9 of Chapter-XXXIV of the Bombay High Court Appellate Side Rules. Subsequently, the affidavit-in-reply has been filed by the Respondent No.1 pointing out that inquiry was duly completed by Respondent No.1 and the same was communicated to this Court. In support, the extract of Outward Register is annexed which shows that on 2nd December 2017, in compliance of the order passed in First Appeal, the communication was addressed by Respondent No.1 to the Registrar General.

3. Faced with this situation, Mr. Bhosale, learned Counsel appearing for the Petitioner would then change the stand and submit that though the change report as well as recommendation of the scheme was transmitted to this Court, there is non compliance as the pending scheme was not considered and the counter scheme has been accepted.

4. I have considered the submissions and perused the record.

5. By order of 16th June 2017, this Court had directed the Assistant Charity Commissioner to communicate the decision on change report to the Registrar General of this Court within a period of six months and similarly the recommendation on the scheme is also to be transmitted to this Court on its Appellate Side within the period of six months. It is

an accepted position that a counter scheme has been accepted which necessarily implies that pending scheme stands rejected. The judgment dated 16th June 2017 expected the Respondent No. 1 to decide the scheme in respect of the trust which has been done. The recommendation as well as the decision on the change report has been duly communicated and therefore no case for contempt is made out.

6. In the light of above, contempt notice stands discharged. Contempt Petition stands dismissed.

[Sharmila U. Deshmukh, J.]

*[This is **Corrected Order** in terms of speaking to minutes order dtd 20-3-2025.]*