IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5216 OF 2024

Dr. Trimbak V. Dapkekar ....Petitioner

Versus

Padmashree Dr. Sharad M Hardikar & Ors. ....Respondents

Mr. Vineet Naik, Sr. Advocate *a/w. Mr. Ashutosh Kulkarni & Mr. Akshay Kulkarni, for Petitioner.*

Mr. V.S. Nimbalkar, *AGP for Respondent Nos.11 & 12-State.*

CORAM: SOMASEKHAR SUNDARESAN, J.

DATE : DECEMBER 9, 2025

ORDER :

1. Rule. Rule is made returnable forthwith by consent of the parties and the Petition is heard finally.

2. This Petition impugns an order dated March 19, 2024 passed by Respondent No.11, Learned Joint Charity Commissioner, Pune, refusing to allow a correction to the date of a meeting of the Trustees said to have been held on January 21, 2016 ("***Impugned Order***"), but depicted as January 20, 2016 in the relevant change report filed and approved.

Aarti Palkar
(This order is corrected pursuant to Speaking to the Minutes of Order dated December 24, 2025.)

3. Having heard Learned Counsel for the parties and having examined the record with their assistance, it is apparent that Respondent No.1 is purported to have signed a Retirement Letter dated January 20, 2016 based on which a meeting is said to have been held on January 21, 2016, accepting his retirement and stating that he had ceased to be an office bearer of the Trust.

4. Respondent No.5, the grandson of Respondent No.1, was inducted as a Trustee in the next meeting held on July 16, 2016. The minutes of the meeting held on July 16, 2016 (Page 78) squarely show that the earlier meeting had been held on January 21, 2016. However, in the Change Report No. 2382 of 2016 in respect of the meeting at which Respondent No.1 is said to have retired, all references to the date of the meeting are shown as January 20, 2016.

5. It is seen that in the course of the proceedings for consideration of the Change Report No.2382 of 2016, an affidavit has been filed by the Petitioner on February 16, 2017, once again indicating that the meeting had been held on January 21, 2016.

6. The Change Report No.2382 of 2016 came to be accepted on February 23, 2018.

Aarti Palkar
(This order is corrected pursuant to Speaking to the Minutes of Order dated December 24, 2025.)

7. Respondent No.1 has filed a Revision Application No.47 of 2021 on November 25, 2021, questioning the veracity of the meeting at which he had been shown as retired, among others, including disputes about procedural compliance such as issuance of notice. One of the issues that have arisen is whether the meeting was in fact held in a compliant manner, whether on January 20, 2016 or January 21, 2016. In the course of the Revision Application, the Petitioner sought to effect the correction to the record by showing that the meeting had been held on January 21, 2016 and not January 20, 2016.

8. Having seen the record, it is evident that there is enough collateral and contemporaneous evidence to indicate that the meeting was shown as held on January 21, 2016. Without prejudicing the merits of the Respondents submission about whether the manner in which the meeting was called, convened and held was compliant, and restricting scrutiny merely to correcting the date of the meeting from January 20, 2016 to January 21, 2016, a case has been made out by the Petitioner.

9. It is seen from the Impugned Order that the amendment was disallowed on the premise that evidence had already been led and the proceedings were well underway and at a belated stage, such a correction of the record ought not to be permitted.

(This order is corrected pursuant to Speaking to the Minutes of Order dated December 24, 2025.)

10. However, in exercise of the extraordinary jurisdiction of this Court, when one examines the record, there are multiple pointers of contemporaneous evidence, including the minutes of the meeting held on January 21, 2016; the minutes of the meeting held on July 16, 2016; the affidavit dated February 16, 2017 filed in the course of proceedings relating to the Change Report No.2382 of 2016, which came to be accepted on February 23, 2018 – that the date of the meeting must be depicted as January 21, 2016. This would not prejudice the contentions about compliance with requirements of conduct of meeting, which shall be considered on merits.

11. The Respondents may have various other points to make about compliance with secretarial processes and governance requirements in the conduct of the meeting. None of those are meant to be prejudiced by reflecting the date of January 21, 2016 as the purported date on which the meeting, that is now being challenged, has been conducted.

12. It is also noteworthy that Respondent No.1's Revision Application No.47 of 2021 has been filed in November 25, 2021, literally five years after the date of his retirement letter. The proof of whether such a retirement letter is actually signed etc. would be dealt with in the course of the proceedings. The limited intervention being made at this stage is that since the record indicates that the meeting is

purported to have been held on January 21, 2016, the amendment sought by the Petitioner to reflect this date deserves to be allowed. With this limited intervention, the Petition is ***disposed of***.

13. Nothing contained in the order is an expression of an opinion on the merits of the case and the parties, which still need to prove their respective positions, including conduct of the meeting held on January 21, 2016.

14. Purely as an incidental point, taking cognizance of the manner in which one of the parties has been named in the title in these proceedings, it is the duty of this Court to draw attention to a five-judge Constitution Bench decision of the Supreme Court[1] delivered way back in 1995, that civilian awards such as Padmashri and Bharat Ratna are not titles and ought not to be used as prefix or suffix to names of the awardees.

15. I need say nothing more than to direct that the parties shall ensure that they comply with the law declared by the Supreme Court in the conduct of proceedings and the courts too ensure that this is complied with in terms of Article 141 of the Constitution of India.

---

1 *Balaji Raghavan/S.P.Anand vs Union Of India decided on 15 December, 1995 -* ***(1996) 1 SCC 361***

(This order is corrected pursuant to Speaking to the Minutes of Order dated December 24, 2025.)

16. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]

Aarti Palkar
(This order is corrected pursuant to Speaking to the Minutes of Order dated December 24, 2025.)