

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.18928 OF 2024

Samir Ramzanali Rayani	...Petitioner
<i>Versus</i>	
Shahzada Abbas Bhaisaheb Fakhruddin & Ors.	...Respondents

Mr. S. R. Page, for the Petitioner.
Mr. Khan Javed Akhtar, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.
DATED : 28th APRIL 2025

P. C.:

1. Heard Mr. Page, learned Counsel appearing for the Petitioner and Mr. Khan Javed Akhtar, learned Counsel appearing for the Respondents.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of order dated 1st August 2023 passed by the learned Judge, Small Causes Court, Mumbai below Exhibit-60 in R.A.E. Suit No.635 of 2015 as well as to the Judgment and Decree dated 29th November 2024 passed by the learned Appellate Bench of the Small Causes Court, Mumbai in Revision Application No.275 of 2024.

3. By the impugned order dated 1st August 2023 passed by the learned Judge, Small Causes Court, Mumbai, application bearing Exhibit-60 filed by the present Respondents i.e. Plaintiffs seeking amendment to substitute the names of new Trustees instead of the old Trustees of the Plaintiff-Trust was sought. By the impugned order dated 29th November 2024 passed by the learned Appellate Bench of the Small Causes Court, Mumbai, Revision Application challenging the same is dismissed.

4. The learned Revisional Court has set out the factual position in paragraph No.10, which reads as under:

“10.... (i) Terms of the old trustees/plaintiffs (except plaintiff No.6) expired on 31.12.2020.

(ii) Change Report vide No.ACC/IX/2359/2022 came to be accepted by an order passed by In-charge Assistant Charity Commissioner, Mumbai, dated 20.01.2023.

(iii) Application for amendment Exhibit 60 for substitution of names of new trustees as per the Change Report, in place of plaintiffs No.1 to 5 and 7 to 16 came to be filed before the Trial Court on 07.06.2023.”

Thus, it is clear that the term of the old Trustees/Plaintiffs came to an end on 31st December 2020. Thereafter, new Trustees were elected and Change Report has been filed with the Assistant Charity Commissioner, Mumbai bringing on record the names of the new Trustees and said Change Report has been accepted by the order dated 20th January 2023 passed by the learned Assistant Charity Commissioner, Mumbai. Thereafter, the present amendment application for substitution of names of the new Trustees as per the Change Report has been filed on 7th June 2023 and the said application has been allowed by order dated 1st August 2023.

5. Thus, as held by both the Courts, there is no substance in the contention that the amendment application is filed belatedly and that even after the expiry of the term of the earlier Trustees, the suit continued.

6. Accordingly, no interference under the writ jurisdiction of this Court under Article 227 of the Constitution of India is warranted.

7. The Writ Petition is dismissed, however with no order as to costs.

8. As the suit is of the year 2015 and one of the ground is bona fide requirement, the learned Trial Court is requested to dispose of the said suit expeditiously.

[MADHAV J. JAMDAR, J.]

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