

Arun Sankpal

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8926 OF 2025

Irfan Nuroolhuda Shaikh Siddqui

..Petitioner

Versus

Abdul Rahim Ebrahim Kavlarikar & Ors

...Respondents

Mr. Vijay Patil, i/b Rohan Sonawane and Krutik Veera, for the
Petitioner.

Ms. Savita Prabhune, AGP, for Respondent Nos. 7 & 8.

CORAM: N. J. JAMADAR, J.

DATED : 9th JULY 2025

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** The challenge in this Petition is to an order dated 5th June 2002 passed by the learned Assistant Charity Commissioner, Thane, accepting the compromise between the Respondents and the then Respondent/Trustees and dispose of the Application No. 3 of 2001, purportedly filed under Section 51 of the Maharashtra Public Trust Act 1950. Under the terms of settlement, the parties to the said proceeding, *inter alia*, agreed that two members of the family or relatives of the Founder and Donor of the Trust, would be permanent Trustees.

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3. Mr. Patil, the learned Counsel for the Petitioner, submits that the other Trustees were not impleaded as parties to the said proceeding. Moreover, the said proceeding was instituted seeking permission to institute a suit for modification of the scheme. Therefore, the Assistant Charity Commissioner could not have accepted the terms of settlement in the said proceeding.

4. The impugned order is passed on 5th June 2002. *Prima facie* it appears that the Chairman of the Trust has signed the terms of the settlement.

5. In these circumstances, it would be appropriate that the Petitioner files an appropriate proceeding before the Assistant Charity Commissioner, on the grounds available in law.

6. In the event such an Application is filed, the Assistant Charity Commissioner shall decide the same in accordance with law. It is hereby made clear that this Court has not entered into merits of the matter. All contentions are kept open for consideration.

7. Petition disposed.

[N. J. JAMADAR, J.]