

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10023 OF 2025

Gangadhar Karbhari Jadahv & Ors

..Petitioners

Versus

State of Maharashtra Through Secretary & Ors

...Respondents

Mr. Pralhad Paranjape, with Rahul Punjabi and Indrajeet Jagdale, for
the Petitioners.

Mr. Tejas Kapre, AGP, for Respondent Nos. 1 and 2-State.

Mr. Vivek Salunkhe, with J.P. Sharma, i/b Ajinkya Jaibhave, for
Respondent Nos. 3, 4 and 5.

CORAM: N. J. JAMADAR, J.

DATED : 21st JULY 2025

P.C.:

- 1.** Heard the learned Counsel for the parties.
- 2.** The challenge in this Petition is to an order dated 25th June 2025 passed by the learned Joint Charity Commissioner, Nashik Region, Nashik, whereby an Application for intervention preferred by the Petitioners came to be rejected. The Respondent-Trust has filed an Application seeking permission of the Charity Commissioner for sale of the subject property under the provisions of Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950 ("the Act of 1950").

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3. The Petitioners claim to be the persons in whose favour, the Respondent No. 6-Trust, has purportedly executed an Agreement to Sale the very same subject property.

4. There seems a dispute between the Respondent No.3-Trust and Respondent No. 6-Trust as regards the proprietary title over the subject property.

5. The Petitioners have already instituted a Suit for specific performance of the purported contract executed by the Respondent No.6, being Special Civil Suit No. 545 of 2021. In the said Civil Suit, the Petitioners have taken out an Application for temporary injunction.

6. In these circumstances, though the Petitioners do not deserve to be impleaded as intervenors in the proceeding before the Charity Commissioner, under Section 36(1)(a) of the Act of 1950, yet to facilitate the Petitioners to workout their remedies before the Civil Court, the learned Charity Commissioner, Nashik, shall not pass final orders, for a period of three weeks from today, though the Charity Commissioner may proceed with the hearing of the application.

7. It is hereby made clear that, this Court has not entered into the merits of the claim of the Petitioners in the Special Civil Suit No. 545 of 2021 and in the event the Petitioners move the Application for temporary injunction, the Civil Court shall decide the same on its own

merits and in accordance with law, uninfluenced by the observations made hereinabove,

8. Petition disposed.

[N. J. JAMADAR, J.]