



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13139 OF 2025**

Kisan Kalu Khatal and Anr. ... Petitioners
versus
Usha Baburao Pawar and Ors. ... Respondent

Mr. Sanjay P. Shinde, for Petitioner.
Mr. Nikhil Pujari for Respondent Nos.1 to 3.
Mrs. Savina Crasto, AGP for Respondent Nos.4 and 5.

CORAM: N.J.JAMADAR, J.

DATE : 15 OCTOBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 10 September 2025 passed by the learned Joint Charity Commissioner in Appeal No.78 of 2022 whereby the learned Joint Charity Commissioner dismissed the appeal against the order dated 2 August 2025 passed by the Deputy Charity Commissioner in Change Report No.451 of 2005, whereby the said Change Report was rejected. In the said order dated 2 August 2022, learned Deputy Charity Commissioner had recorded that the members who were admitted to be membership of the trust of the managing committee till the year 2001 were the legal and valid members of the trust. However, the persons who were removed as members or who had tendered resignation from the membership of the trust, be deleted from the legal and valid members of the trust.

3. Being aggrieved, the reporting trustees had preferred appeal before the learned Joint Charity Commissioner. By the impugned order, the appeal came to be dismissed.

4. The learned Joint Charity Commissioner has recorded that the Change Report No.300 of 1996 was the last Change Report accepted by the Charity Commissioner. Thereafter, no Change Report has been accepted. The membership of the Petitioners was revoked on 17 December 1998 for not depositing the fees of the life member of the trust. For better management of the affairs of the trust, as there was no validly elected managing committee, the learned Joint Charity Commissioner directed that the election for the managing committee of the trust be held and 13 members, excluding one member who has passed away, and the Petitioners, whose membership had been cancelled, shall be the electoral college for the said election.

5. Being aggrieved, the Petitioners have filed this Petition.

6. Mr. Shinde, learned Counsel for the Petitioners, submitted that there is no material to show that the Petitioners have been removed from the membership of the trust. In fact, a proceeding was filed under Section 41D of the Maharashtra Public Trust Act, 1950, seeking removal of the Petitioners. The Petitioners are the life members of the Trust. Both, the Deputy Charity Commissioner and the Joint Charity Commissioner have recorded erroneous findings that the Petitioners were removed from the membership of the Trust

on 9 December 1998, sans any evidence. Therefore, the impugned order deserves to be quashed and set aside.

7. In opposition to this, Mr. Pujari, learned Counsel for Respondent Nos.1 to 3 invited attention of the Court to the resolution passed in the meeting held on 7 December 1998. It was submitted that the Petitioner had, in fact, challenged the said resolution in a revision before the Charity Commissioner under Section 70A of the Maharashtra Public Trust Act, 1950. The challenge at the instance of the Petitioner in the said Revision Application No.6 of 2001 came to be dismissed by a judgment and order dated 18 January 2002.

8. Mr. Shinde, learned Counsel for the Petitioners submitted that the said Revision Application was against the order passed by the learned Deputy Charity Commissioner in Inquiry No.300 of 1996, wherein the issue of removal of the Petitioner from the membership of the trust was not in issue. The Petitioners had preferred the said Revision Application as the outgoing trustees.

9. The Court finds that in Application No.17 of 2011, for the removal of the Petitioners and others from the post of trustees of the trust, the stand of the Respondents was that the Respondent Nos.6 and 7 therein, the Petitioners before this Court, were expelled from the members in the year 1996. Resolution relied upon by Respondent Nos.1 to 3, which has been taken note of by the authorities, appears to have been passed on 7 December 1998,

The question as to whether the Petitioners were removed from the membership of the trust and the said decision attained finality, prima facie, appears to be debatable.

10. Issue notice to the Respondents, returnable on 26 November 2025.

11. Mr. Pujari waives service on behalf of Respondent Nos.1 to 3 and Mrs. Crasto, learned AGP, waives service on behalf of Respondent Nos.4 to 6.

12. Let Respondent Nos.1 to 3 file an affidavit in reply within a period of three weeks.

13. Rejoinder, if any, within a period of one week thereafter.

14. In the meanwhile, there shall be an ad-interim relief in terms of prayer clause (c) of the Petition.

15. In addition to notice through Court, the Petitioner is at liberty to serve the Respondents by private service and file an affidavit of service.

(N.J.JAMADAR, J.)