

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15396 OF 2025

Balasubramanian Parandhaman ..Petitioner
Versus
B Paramanandhan & Ors ...Respondents

Mr. Yuvraj Narvankar, with Raufa Shaikh, for the Petitioner.
Mr. Girish Godbole, Senior Advocate, with Bhavya Shah, i/b A & P
Partners, for the Respondent No.1.
Mr. Hamid Mulla, AGP, for the Respondent No.4-State.

CORAM: N. J. JAMADAR, J.
DATE : 19th NOVEMBER 2025

ORDER:

1. Heard Mr. Yavraj Narvankar, the learned Counsel for the Petitioner, and Mr. G.S. Godbole, the learned Senior Advocate, for the Respondents.
2. The challenge in this Petition is to an order dated 27th October 2025 passed by the learned Assistant Charity Commissioner in Change Report Nos. 3320 of 2021 and 3321 of 2021, whereby the evidence tendered by the Petitioner-Applicant in Change Report Nos. 3320 of 2021 and 3321 of 2021 was ordered to be discarded.
3. At the outset, Mr. Narvankar, the learned Counsel for the Petitioner seeks leave to amend the Petition so as to assail the further

orders passed by the Assistant Charity Commissioner dated 10th November 2025 and 13th November 2025.

4. As the orders dated 10th November 2025 and 13th November 2025 foreclosing the right of the Petitioner to cross-examine Respondent's witnesses are essentially consequential to the order dated 27th October 2025 discarding the evidence of the Petitioner-Applicant, leave to amend the Petition so as to assail those orders deserves to be granted.

5. Hence, leave to amend.

6. Necessary amendment to be carried out forthwith.

7. By the order dated 27th October 2025, the learned Assistant Charity Commissioner was persuaded to discard the evidence of the Applicant documenting the defaults on the part of the Applicant by not appearing before the learned Assistant Charity Commissioner for the hearing of those Change Reports. The manner in which the Applicant approached the hearing in those Change Reports, despite the order passed by the Division Bench in Writ Petition No. 1411 of 2025 and Writ Petition No. 1420 of 2025 dated 18th February 2025, has been vividly recorded by the learned Assistant Charity Commissioner in the impugned order.

8. Mr. Narvankar, the learned Counsel for the Petitioner, would urge that the Petitioner had no notice of the dates of hearing of the Change Report, after the learned Assistant Charity Commissioner recalled her

earlier order to record the cross-examination of the Petitioner through video conferencing. An endeavour was made to submit that the Petitioner had placed material on record to show that on account of his state of health and ailments the Petitioner has been suffering from, it was not possible for the Petitioner to appear before the learned Assistant Charity Commissioner physically. Therefore, the Petitioner was insisting for the recording of the cross-examination through video conferencing, as directed by the Division Bench in the order dated 18th February 2025.

9. In contrast to this, Mr. G.S. Godbole, the learned Senior Advocate for the Respondent No.1, took the Court through the various orders passed by the learned Assistant Charity Commissioner on the succeeding dates of hearing which reflect complete indifference and non-cooperation of the Petitioner in the hearing of the Change Reports which have been ordered to be disposed of by the end of the December 2025. The conduct of the Petitioner, as is evident from the orders passed by the learned Assistant Charity Commissioner, is such that, in exercise of the supervisory jurisdiction, this Court ought not to interfere with the orders passed by the learned Assistant Charity Commissioner, submitted Mr. Godbole.

10. Mr. Narvankar attempted to join the issue by inviting the attention of the Court to the orders passed by the Authorities and the Courts, which reflect upon the conduct of Respondent No.1.

11. Suffice to note, the conduct of the parties has been noted in various orders passed by the Authorities under the Act, 1950 and the Courts. Cantankerous and quarrelsome conduct of the parties had impelled the Division Bench of this Court in Writ Petition No. 1411 of 2025 to direct that the evidence of the parties be recorded by video conferencing and, if that was not possible, by appointment of the Court Commissioner. The observations of the Division Bench in paragraphs 7 and 19 of the order dated 18th February 2025 deserve to be extracted.

“7. These are two biological brothers before us and after hearing the learned Senior Advocate for the Petitioner and the learned Advocates for the appearing parties and after perusing the records, it appears that bad blood had been shed between these two biological brothers to such an extent that a bitter battle is embarked upon for gaining the control of the Trust namely, Balaji Society situated at Pune. A chequered history of litigation is writ large on the face of the record. These two brothers are so much deep into hostilities against each other that Respondent no.1, did not even spare the learned Assistant Charity Commissioner forgetting that he is a Judicial Officer. Wild and reckless allegations are made against the concerned Judicial Officer Shri Chavan, which appear to be for self

serving purposes. Such conduct of a litigant has to be deprecated in the strongest words.

... ..

19. In view of the above, both these Petitions are disposed off with the following directions :

... ..

(c) Both the biological brothers, namely, Shri B. Paramanandhan and Shri B. Parandhaman, shall be restrained from entering the office and premises of the learned Assistant Charity Commissioner – 3, Thane, save and except, with the written permission of the concerned authority.

(d) It is only for the purposes of recording their oral evidence, that they would be permitted to enter the premises and appear before the concerned authority for recording their examination and crossexamination, only if recording of such evidence by Video conferencing facility is not available in the office of the learned Assistant Charity Commissioner – 3, Thane.

(e) If the above mode of Video conferencing recording of evidence is not possible, the parties may also explore the possibility of appointment of a Court Commissioner for recording such evidence.

(f) The parties shall render whole hearted cooperation for the early disposal of the above stated proceedings and for easy correspondence, both the parties are recording their official email addresses as under, for the purpose of issuance of notices/summons etc. as a part of the procedure while conducting all these proceedings under the

provisions of the Maharashtra Public Trust Act.

Petitioner's Email I.D. : b_anand1@yahoo.com.

Respondent No.1's Email I.D.: bparam@yahoo.com

Parandhaman.Balasubramanian@gmail.com

(g) We would request the learned Assistant Charity Commissioner – 3, Thane, to conclude the said proceedings as expeditiously as possible and preferably on or before 31st December, 2025.

(h) If the learned Assistant Charity Commissioner – 3, Thane finds himself short of time, he is at liberty to move a Civil Application for orders in these disposed off Petitions, before us for seeking extension of the time and he would state the reasons for the delay, whether on account of the conduct of any individual or party, due to which the delay has been caused.

(i) In the event any of these litigating parties misbehave in the office of the learned Assistant Charity Commissioner – 3, Thane, he is at liberty to prepare a report for initiation of the proceedings under the Contempt of Courts Act and follow the procedure as is laid down in law.”

12. The submissions of Mr. Narvankar that in view of the aforesaid order the evidence ought to have been recorded through video conferencing and it was also feasible to record evidence by video conferencing and, therefore, the learned Magistrate ought not to have recalled the earlier order to record the evidence through video conferencing, cannot be readily acceded to.

13. In exercise of the writ jurisdiction this Court is not expected to interfere with the assessment of the learned Assistant Charity Commissioner that it was not practicable to record the evidence of the parties through video conferencing on account of logistical and organizational issues.

14. The further submission of Mr. Narvankar that the Petitioner was unaware of the listing of Change Reports for hearing, after the learned Magistrate passed the order directing the parties to appear before him for recording the cross-examination, also does not deserve consideration.

15. The Division Bench of this Court had taken care to even record the email ids of the parties on which the notices/summons were to be sent. In any event, having regard to the fact that the Petitioner and the Respondent have been fighting to wrest the control of the Trust tooth and nail, it defies comprehension that the Petitioner would have missed to follow up on the next listing of the Change Reports. Therefore, the contention of the Petitioner that he could not appear before the learned Assistant Charity Commissioner as he was unaware of the listing of the matter, cannot be countenanced.

16. Nonetheless, this Court is of the view that, in the peculiar facts of the case, the conduct of both the parties has been far from fair and

commendable. Therefore, the allegations and counter-allegations reflecting upon the conduct of the parties need not be delved into.

17. If the spirit of the order passed by the Division Bench is properly appreciated, the only inference that can only be drawn is that, the dispute between the Petitioner and Respondents be decided once and for all and such resolution can only be obtained if the parties get an efficacious opportunity of adducing the evidence. The anguish on the part of the learned Assistant Charity Commissioner is appreciable, if viewed in the context of the directions of the Division Bench, the conduct of the Petitioner and the time frame within which the proceedings are to be determined.

18. At the same time, the Court cannot be oblivious of the necessity of a determination on merits, which alone would obviate unnecessary proceedings before the superior Courts against the orders passed by the learned Assistant Charity Commissioner on the Applications.

19. Therefore, primarily and singularly to advance the cause of substantive justice, this Court considers it expedient to set aside the impugned orders and provide another opportunity to the Petitioner, albeit by way of indulgence.

20. Hence, the following order:

: O R D E R :

- (i) The Petition stands allowed.

(ii) The impugned orders stand quashed and set aside.

(iii) The evidence of the Petitioner-Applicant stands restored to the record of learned Assistant Charity Commissioner.

(iv) The orders of 'no cross cross-examination' of the Respondents witnesses also stand quashed and set aside.

(v) The parties shall appear before the learned Assistant Charity Commissioner on 26th November 2025 at 11.00 am.

(vi) The Petitioner shall appear before and offer himself for cross-examination on that day.

(vii) After the evidence of the Petitioner is recorded, the Petitioner shall have the right to cross-examine the Respondents witnesses.

(viii) The Petitioner shall deposit costs of Rs.25,000/- in the office of the Assistant Charity Commissioner on or before 26th November 2025. The amount of costs be

credited to the Public Trust Administration Fund.

(ix) Payment of costs shall be a condition precedent.

(x) The Petitioner shall not seek any adjournment either for offering himself for cross-examination or for examining his witnesses or for the cross-examination of the Respondents witnesses.

(xi) The Respondents Nos. 1 to 3 shall also render fullest cooperation in the expeditious hearing and disposal of the Change Reports.

[N. J. JAMADAR, J.]