

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Interim Application No.6634 of 2025

In

First Appeal (st) No.4750 of 2025

With

First Appeal (st) No.4750 of 2025

Sunil Gangadhar Karve

... Applicant

V/s.

Chhagan Chandrakant Bhujbal and others

... Respondents

Mr. Devrat Singh i/b. Zishan Quazi	Advocate for the Applicants.
Mr. Dinesh J. Haldankar	AGP for the State.

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CORAM : S.M. MODAK, J

DATE : 14th October 2025.

P.C. :

I have heard learned Advocate for the Applicant-Appellant yesterday. Today he has produced the medical case papers issued by Dr. Sujata Naik in respect of treatment of the Applicant. They are taken on record, marked as Annexure-'X'. These papers are produced in support of the averments of the application in Para No.7 to Para No.13.

2. It is true the Respondent Nos.1 to 5 are duly served by way of private notice. There is affidavit of service filed by the Junior Advocate working in the office of Advocate Prabhu who represents the Applicant. Service is by way of hand-delivery. It is true there is an order to issue notice through Court. Uptil now there is no report of service. I consider the private service as valid service. No one on behalf of Respondent Nos.1 to 5 have appeared. Today I heard learned AGP for Respondent No.6.

3. The Applicant intends to challenge the order dated 30th March 2022 passed by the learned Joint Charity Commissioner, Greater Mumbai. The draft charges and additional draft charges were disapproved and Respondent Nos.1 to 4 are exonerated from those charges. Respondent Nos. 1 to 4 are the Trustees of Respondent No.5. Submission is learned Joint Charity Commissioner while passing the impugned order has conducted an enquiry as if he is deciding the matter finally. This will be considered when the appeal will be heard.

4. The Appellant has produced list of dates. The relevant dates are as follows:

- 1) The date of passing of the order - 30th March 2022.
- 2) Copy applied immediately and received on - 22nd April 2022 (that period has to be excluded).
- 3) Initially inspite of filing of appeal, writ petition was filed - 9th November 2022.

- 4) It was filed on the legal advise. There is an efficacious legal remedy available.
- 5) Date of disposal of writ petition - 22nd October 2024 (the period spent in prosecuting writ petition is sought to be excluded).
- 6) First Appeal filed on 4th February 2025.
- 7) The Applicant contend that he was ill and taking treatment of Dr. Naik. It is from 18th May 2022 till 15th November 2022. Supporting documents are filed.

4. That is why the Applicant contend that there is a delay of 234 days. According to learned AGP even the medical case papers suggest intervals. During these days the Applicant could have utilised it for filing of appeal. I find there is a sufficient justification for not filing the appeal in time. It is on account of illness, filing of wrong remedy and legal advise. A person in illness may not be in a fit physical condition to take appropriate steps including contacting Advocate and give necessary instructions. In spite of private service no one has appeared.

5. Hence, on the basis of submissions, averments and documents, I am inclined to allow the application. Hence, the application is allowed in terms of prayer clause (a) and stands disposed of.

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6. Issue notice to Respondent Nos. 1 to 5 through Court, returnable on **5th December 2025** and by way of private notice. Service affidavit be filed.

(S.M. MODAK, J.)