

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 3902 OF 2025

IN
SUIT NO. 173 OF 1872

Seth Muljibhai Madhavdas Dharmashala Charity Trust through Trustees	...Applicants
<u>In the matter between</u> The Honorable James Sewell White European	...Plaintiff
Vs.	
Gopaldas Madowdas of Bombay Hindoo Inhabitant	...Defendants
And	
The State of Maharashtra and Anr.	...Respondents

Mr. Ravi Kumar Mishra with Mr. Maneesh Mishra for the Applicants.
Mr. Himanshu B. Takke, AGP for the State-Respondents No. 1 and 2.

CORAM : ABHAY AHUJA, J.
DATE : 11th NOVEMBER, 2025

P.C. :

1. This matter was kept back in the morning session as Mr. Takke, learned AGP appearing for the State had sought some time to obtain the signed affidavit-in-reply on behalf of the Respondent No.2.

2. When the matter is called out in the afternoon session, Mr. Takke, tenders across the bar affidavit dated 24th December, 2024, of the Deputy Charity Commissioner and submits that this Interim Application can be disposed of in view of the said reply, as the Assistant or Deputy Charity Commissioner has the power under Section 50A(1) of the Maharashtra Public Trusts Act, 1950 to frame, amalgamate or modify

the schemes. The affidavit on behalf of the Respondent No.2 is taken on record.

3. Mr. Takke submits that since this Interim Application seeks modification of the scheme which was framed on 8th February, 1976 in Suit No. 173 of 1872, this Court may dispose the Interim Application with a direction to the Charity Commissioner to consider the application for modification of the scheme under Section 50A(1) of the Maharashtra Public Trusts Act, 1950.

4. Mr. Mishra, learned Counsel appearing for the Applicant submits to the orders of this Court in view of the submissions made by the learned AGP.

5. Having heard the learned Counsel for the Applicant as well as the learned AGP for the State, in view of what has been stated in the affidavit dated 24th December, 2024 and the law on the subject, this Court disposes of the Interim Application with a direction to the Charity Commissioner to decide the Application filed or that would be filed on behalf of the Applicant to modify the scheme framed in the year 1876 under Section 50A(1) of the Maharashtra Public Trusts Act, 1950.

6. The Interim Application accordingly stands allowed and disposed as above.

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(ABHAY AHUJA, J.)

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signed by
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GADGIL
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