

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

INTERIM APPLICATION NO. 6509 OF 2025

IN

TRUST PETITION NO. 07 OF 1963

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Vijay N. Gupchup,
The Chairman,
Shri Mahalakshmi Temple Trust & Ors.

....Applicants

IN THE MATTER BETWEEN

V. G. Rao & Ors.

....Petitioners

Versus

The Charity Commissioner of
Maharashtra State, Bombay & Ors.

....Respondents

Mr. S. M. Gorwadkar, Senior Advocate a/w. Mr. Kirit Hakani, Mr. Rahul Hakani, Ms. Niyati Hakani, Ms. Bhavana Ahire, Ms. Pratishtha Shukla & Ms. Priyanka Singh for the Applicants.

Mr. Himanshu Takke, AGP for Respondent No.1-The Charity Commissioner of Maharashtra State.

CORAM : JITENDRA JAIN, J.

Dated : 19th DECEMBER 2025

P.C. :

1. Leave to amend prayer clause (a) by substituting "Exhibit-G" with "Exhibit-F". Amendment to be carried out forthwith. Re-verification dispensed with.

2. The present Application is taken out by the petitioners who are Trustees of Shree Mahalakshmi Temple Trust, seeking amendment of the Scheme of 1912, which was amended from time to time and the last amendment was permitted in the year 1976-77. The interim application is

filed pursuant to Clause 24 of the Scheme which permits the Trust/Trustees to apply to the Court for amendment of the Scheme.

3. On the last occasion, the Court had directed respondents to go through the proposed amendments to the Scheme and also have a joint meeting with the representatives of the petitioner so that if there is any suggestion/objections, then the same can be incorporated in the amended Scheme.

4. Pursuant to above, the Court appreciates the timely action on behalf of the Charity Commissioner to peruse the amendment proposed and also in communicating the same to the petitioner. The learned Charity Commissioner had suggested certain modifications to the Scheme, which the petitioner has readily accepted.

5. The petitioner has today handed over revised "Exhibit-F", which is a Schedule of the proposed amendments after consultation and incorporation of the suggestions made by the Charity Commissioner. The said revised "Exhibit-F" is taken on record and marked as "X" for identification.

6. The reasons for the modifications of the Scheme are stated in paragraphs 11 to 13. The reasons in brief being that with the passage of time, the earlier scheme requires amendment to keep abreast with the developments and changing times. The number of devotees coming to the temple has also increased exponentially and there is a severe space constraint and lack of basic convenience facilities. There are encroachments on both sides of the approach road to the temple and this may come in the way of safety if any untoward incident happens in future. The reasons also state that with the change in the value of money, the powers with respect to dealing with the funds also requires modification moreso, with a change in

the manner in which the banking transactions are taking place today.

7. I have perused paragraphs 11 to 13 of the present application and being satisfied with the reasons stated therein, the modifications are certainly required to the Scheme.

8. In my view, none of the modifications, in any way, would run contrary to the object for which the Trust is formed. There can be no doubt that with the passage of time, the Scheme needs modification moreso, since the last time the Scheme was amended was in the year 1976-77 and much water has flown on all fronts since then till today. It is also important to note that the Arabian Sea which was once touching the temple premises, has now been converted into the coastal road. This indicates the speed of change around the temple and, therefore, the Trust needs to keep itself updated and abreast and take steps to meet the future needs and challenging environment to cater to the needs of devotees who flock in huge numbers to find solace in this uncertain world.

9. There is no objection to any of the proposed amendments by the respondent-Charity Commissioner, who is the top-most authority in the State for overseeing and supervising the Trust in the State of Maharashtra.

10. It is made clear for the sake of clarification that the proposed modifications in the Scheme and more particularly relating to the redevelopment of the premises around the temple is only with the objective of making the temple a better and safer place for the devotees and the same would not be treated as or conveying that the Trust can exploit the same commercially.

11. In future, while implementing the Scheme as modified today, the Trust is at liberty to approach this Court as and when they deem fit for

seeking necessary permissions/approvals/opinions/modifications as empowered under Clause 24 of the 1963 Scheme.

12. Mr. Takke, learned counsel for the respondents has produced in a sealed envelope the comments of the Charity Commissioner. The copy of the same was already handed over to the petitioners and the petitioners have incorporated the said suggestions in the revised "Exhibit-F", which is tendered today and marked as "X".

13. Interim Application is allowed in terms of prayer clause (a) and in terms of revised "Exhibit-F" which is produced today and taken on record and marked as "X".

14. Insofar as prayer clause (b) is concerned, same is left to the appropriate authorities to decide.

15. Interim Application is disposed of in above terms.

[JITENDRA JAIN, J.]

(this order is corrected as per speaking to the minutes order dated 22nd December, 2025)