



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 983 of 2025

[Shri Bhaurao s/o Dattuji Zade and ors. ..vs.. Sau. Anupama w/o Santosh
Dhande and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. D. Abhyankar, Advocate for the petitioners
Mr. A. P. Thakare, Advocate for respondent nos. 1 and 2
Mr. T. M. Shende, Advocate for respondent nos. 3 and 4
Mr. A. G. Mate, AGP for the State/respondent nos. 5 and 6

CORAM : ANIL L. PANSARE J.

DATED : 12-06-2025

After having heard at length, it appears that the Joint Charity Commissioner thought it necessary to remand the inquiry bearing Change Report No. 2225/2018 back to the Assistant Charity Commissioner, Chandrapur to decide it afresh. The reason as assigned is that the outgoing trustees i.e. respondent nos. 1 and 2 and three more were not given opportunity of hearing.

2. Mr. S. D. Abhyankar, learned counsel for the petitioners submits that these trustees have, in fact, given no objection to allow the change report.

3. As against, Mr. A. P. Thakare, learned counsel for respondent nos. 1 and 2 submits that these respondents have lodged report against filing no objection stating therein that their signatures were forged by someone.

4. The Joint Charity Commissioner has taken note of the report so filed by the outgoing trustees. It appears that the outgoing trustees have filed report before police officials and crime has been registered.

5. The aforesaid fact indicates that the aspect of giving no objection by the outgoing trustees has not attained finality.

There appears dispute as regards no objection given by the outgoing trustees to allow the change report. That being so, the Joint Charity Commissioner was fully justified in remanding the inquiry back for considering afresh on the ground that outgoing trustees were not given opportunity of hearing.

6. At this stage, Mr. Abhyankar, learned counsel for the petitioners submits that the revision has been filed before Joint Charity Commissioner after three years of allowing change report, without assigning any valid reasons. He submits that the delay will only indicate that the outgoing trustees have initially given no objection but have later on, as on after thought, lodged report saying that their signatures were forged.

7. This aspect, to my mind, is something that would require detail analysis for which parties will be at liberty to lead evidence before the Assistant Charity Commissioner. In fact, that appears to be one of the reasons why inquiry has been remanded back. Unless the parties are heard on this point and given opportunity of hearing including leading evidence, one may not ascertain whether the no objection was indeed given by outgoing trustees and secondly, whether they have lodged report as an after thought. The delay definitely will be matter of significance on the point of plea of after thought. Nonetheless, merely on the basis of delay, one cannot jump to the conclusion that the said report was lodged only as an after thought. Let the Assistant Charity Commissioner, therefore, conduct detail inquiry. The petition is accordingly dismissed with no order as to costs.

(Anil L. Pansare, J.)