



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

**WRIT PETITION NO.5293 OF 2024**

SATISH S/O MURARILAL GOEL

VERSUS

JOINT CHARITY COMMISSIONER, NAGPUR AND OTHERS

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| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. R.D. Dharmadhikari, Advocate for Petitioner.  
Ms. PC. Bawankule, AGP for Respondent No.1-State.

**CORAM : PRAFULLA S. KHUBALKAR, J.**

**DATED : 06<sup>th</sup> NOVEMBER 2025**

1. Learned Advocate Mr. R.D. Dharmadhikari, appears for the petitioner. Nobody appears for respondent Nos.2 to 13 although served.

2. On 06<sup>th</sup> October 2025, this Court had passed the following order :

- 1) *Heard learned counsel for the petitioner.*
- 2) *This matter was called in the first session. Learned counsel for the petitioner argued for some time. Nobody was present for the respondent in the first session. Again the matter was kept back in the second session. When the matter was called out at 2.30p.m. none present for the respondent.*
- 3) *In view of the fact that respondents are represented by the learned counsel, one more opportunity needs to be granted to the respondents. In that view, place the matter on 09/10/2025 for further consideration. If on the next date of listing nobody appears for the respondent, the matter will be proceeded.*

3. Thereafter, the matter was listed on 09<sup>th</sup> October 2025 and 15<sup>th</sup> October 2025 and on the said dates, nobody appeared for the respondents. Today also, nobody appears for respondent Nos.2 to 13.

4. The petitioner has challenged the order dated 19.06.2019, passed by respondent No.1 Joint Charity Commissioner, Nagpur, thereby allowing the application for amendment at Exhibit 34, by which the revision applicants are directed to implead the owners of the property as non-applicants to the proceedings.

5. Learned Advocate for the petitioner submits that by relying upon the judgment passed by this Court, in earlier round of litigation, in Writ Petition No.4701 of 2017, the application for amendment of the revision application was filed seeking to implead the owners of the property as party non-applicants and also to incorporate various other averments along with a prayer clause. Surprisingly, while considering the application, respondent No.1 has passed only an order as “Allowed” presumably under an impression that this Court had directed that the amendment application be straightway allowed.

6. On perusal of the order passed by this Court in Writ Petition No.4701 of 2017, it becomes clear that the amendment only to the extent of impleading the owners of property bearing Survey No.177 was directed to be made. However, the amendment to the extent of adding other averments and prayer clause was required to be adjudicated independently. The impugned order, therefore, needs to be interfered to the extent of allowing the amendment application in its entirety.

7. Learned AGP for respondent No.1 tries to justify the impugned order. However, she fairly submits that the application for amendment to the extent of impleading the owners of property ought to have been allowed and there are no reasons with respect to allowing the amendment to incorporate the other averments and prayer clause.

8. Having regard to this limited controversy, the impugned order dated 19.06.2019, to the extent of allowing the amendment to incorporate paragraph No.9-A, ground No.7-A and prayer clause No.2 is quashed and set-aside.

9. Respondent No.1 Joint Charity Commissioner, Nagpur is directed to reconsider the application at Exhibit 34 and after affording proper opportunity of hearing to the party concerned, pass fresh order.

10. The writ petition is, accordingly, disposed of.

**(PRAFULLA S. KHUBALKAR, J.)**

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