



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

CIVIL APPLICATION (CAW) NO.2791 OF 2023
IN
WRIT PETITION NO.2272 OF 2022

Vinayak Moreshwar Deshpande and another .Vs. Shri Ram Mandir Deosthan Pavnar,
Wardha through its Secretary and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. R.M. Bhangde, Advocate for applicants.

Ms Radhikar Bajaj, Advocate for non-applicant Nos.4 and 5.

Mr. S.D. Abhyankar, Advocate for Intervenor.

CORAM : ROHIT W. JOSHI, J.

DATE : 11/11/2025

1. The applicants in the present application claim to be trustees of Shri Ram Mandir Deosthan, Pavnar, for a period of three years from 2015-2018. They also claim to be devotees of the temple and as such, persons having interest in the trust. On this basis, application for intervention is filed in the present petition which arises out of a proceeding for revocation of permission to alienate trust property.

2. The order granting permission for alienation of the property was passed on 25.10.2011. Pursuant to the said order, sale deed was executed in favour of the respondent Nos.4 and 5 on 12.01.2015. The intervenors claim to be appointed as trustees on 17.03.2015, which is subsequent to the disposal of the proceeding granting permission for alienation of property as also the execution of the sale deed.

3. That apart, their appointment is held to be illegal vide order dated 24.12.2018, passed by the learned Principal District Judge, Wardha, in Trust Appeal No.04 of 2017. The said order is upheld by this Court vide order dated 17.01.2020, passed in Writ Petition No.1396 of 2019 and Writ Petition No.1367 of 2019.

4. In view of the above, in the considered opinion of this Court, the presence of the intervenors is not necessary for deciding the present petition. The civil application is therefore, **rejected**.

CIVIL APPLICATION (CAW) NO.266 OF 2024

1. The present application is filed by the applicants seeking permission to add Mr. Harshwardhan L. Deshmukh and Mr. Haribhau Vasudeorao Vazurkar, as respondents to the present petition. It is stated that these two persons were added as trustees of the subject trust in the meeting held on 27.01.2019 and that their presence is necessary for just and proper adjudication of the petition.

2. The subject matter of the petition pertains to an order rejecting application filed by the petitioners for framing issue and leading additional evidence. The scope of the petition is only to decide correctness of the said order. Since the trust in question is a registered public trust, the presence of all trustees is not necessary for the adjudication of the petition. It will also be pertinent to state that, the aforesaid persons are alleged to be appointed as trustees on

27.01.2019 i.e. after the order granting permission to alienate the trust property was passed on 25.10.2011 and also after the execution and registration of the sale deed pursuant to the said order on 12.01.2015. As such, the presence of the aforesaid two individuals is not necessary for adjudication of the present petition. The civil Application is therefore, **rejected**.

WRIT PETITION NO.2272 OF 2022

1. Mr. Bhangde, learned Advocate for the petitioners states that the respondent No.1 trust was represented by Mr. Mohan S/o Purushottam Kelkar, who according to him, was the Secretary of the trust when the petition was filed. The learned Advocate states that Mr. Mohan Purushottam Kelkar has left for heavenly abode. He therefore, seeks permission to amend the cause title by deleting the name Mohan S/o Purushottam Kelkar and substituting it with the name of Mr. Vinayak Moreshwar Deshpande. Permission is granted.

2. It is clarified that this order is passed only in order to ensure that there is representation for the respondent Nos.1/Public trust. This Court has not adjudicated upon the status of any person/s as a trustee/s or office bearer of the trust.

3. Mr. Bhangde, learned Advocate for the petitioners further states that the respondent Nos.2 and 3 have expired. Statement is accepted. Permission is granted

to delete the name of respondent Nos.2 and 3 from the array of the parties.

4. Necessary amendment be carried out on or before **21.11.2025**.

5. List the petition for further consideration on **25.11.2025**.

(ROHIT W. JOSHI, J.)

C.L. Dhakate