



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

WRIT PETITION NO. 6465 OF 2019

(Dnyan Sanwardhan Mandal vs. Assistant Charity Commissioner and another)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Prashant Gode, Advocate for petitioner.
Mr. A.A.Madiwale, AGP for respondent No.1.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 11, 2025

- 1) Heard learned counsel Mr. Gode, for petitioner and learned Assistant Government Pleader Mr. Madiwale, for respondent No.1. None appeared for respondent No.2, though served.
- 2) The present petition is directed against the order dated 01/08/2019, passed below Exh.1 by the learned Assistant Charity Commissioner, Chandrapur, whereby the application filed by the applicant for restoration of change report proceeding and for setting aside order dated 30/05/2019, came to be rejected.
- 3) After going through the record, I find that change report came to be dismissed-in-default for want of prosecution on 30/05/2019 by the learned Charity Commissioner, as nobody appeared.
- 4) The application was filed by the applicant on 04/07/2019 for setting aside the order passed below Exh.1, said application came to be rejected by the Assistant Charity Commissioner. I have gone through the said order and observations made therein. In view of the fact that the matter

was dismissed-in-default for want of prosecution and same was not decided on merits, in the interest of justice, to give one more opportunity to the petitioner to prosecute the change report on its own merits, I am inclined to allow the present writ petition.

- 5) Hence, the present petition is allowed. The order passed by the learned Assistant charity Commissioner below Exh.1 dated 01/08/2019 is hereby quashed and set aside. The change report is restored to its original position subject to costs of Rs.25000/- (Rupees Twenty Five Thousand only). The amount to be deposited in this Court within a period of two weeks from today. After depositing the costs, said amount be paid to “National Cancer Institute, Nagpur”.

(SIDDHESHWAR S. THOMBRE, J.)