



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

WRIT PETITION NO.581 OF 2023

Shri Shishupal Education Society
(Jiwanapur), PTR No.F-873(N)
Through Acting President -
Manoj S/o Ahadeo Chaware,
Age 47 years, R/o Ratan Towers, Mahesh
Nagpur, Shanti Nagar, Nagpur.

...PETITIONER

...V E R S U S...

1. The Assistant Charity Commissioner,
Nagpur.
2. Shishupal Shrikrishnaji Borkar
Aged 67 years, Occ: Retired,
R/o Panchatara Society, Near Madhuban
Layout, Narendra Nagar, Nagpur.
3. Shri Ramdas S/o Natthuji Gajbhiye
Aged about 68 years, Occ: Agriculturist,
R/o At Post Mandhal, Tahsil Kahi,
Dist. Nagpur.

...RESPONDENTS

Shri Tejas Deshpande, Advocate for petitioner.
Shri S.B. Bissa, Assistant Government Pleader for respondent no.1.
Shri Gopal Sharma, Adv. h/f Shri S.D. Abhyankar, Advocate for
respondent nos.

CORAM:- M.W. CHANDWANI, J.
DATE :- 02.12.2025

ORAL JUDGMENT:

. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of the parties.

2. The petition challenges the impugned order dated 08.07.2022 passed by the Assistant Charity Commissioner, Nagpur below Exhibits 7 and 11 in Change Report No.1868/2012 whereby, the intervention application filed by respondent nos.2 and 3 respectively, came to be allowed.

3. Learned counsel for the petitioner has submitted that respondent nos.2 and 3 were the Executive Members of the trust. However, their names were scrolled out from Schedule-I of the trust and they ceased to be members of the trust thereafter. Hence, they cannot be termed as persons interested in the affairs of the trust by virtue of Section 2(10)(d) of the Maharashtra Public Trust Act, 1950 (for short "Act of 1950").

4. Heard the learned counsels for the respective parties. Having gone through the impugned order, it appears that the learned Assistant Charity Commissioner relied on Section 2(10)(d) of the Act of 1950 to opine that respondent nos.2 and 3, who are the members of the registered society, are persons having interest in the Trust.

5. Needless to mention that, Section 2 (10)(d) includes members of a society registered under the Societies Registration Act, 1860 as persons having interest in the trust. Just because they

ceased to be members of the executive body of the trust and remained ordinary members, it cannot be said that they do not have any interest in the trust. Therefore, the learned Assistant Charity Commissioner, Nagpur has rightly allowed the intervention application filed respondent nos.2 and 3. Thus, no interference is required in the impugned order. Accordingly, writ petition stands dismissed. No order as to costs.

Rule is discharged.

JUDGE

Wagh