IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 426 OF 2026
IN FAST/35118/2025

Manikchand S/o Harakchandji Kasliwal And Ors.
VERSUS
Purushottam S/o. Radhakishan Bagadiya And Ors.
...
Mr. S. K. Chavan, Advocate for Applicants
...
WITH
CIVIL APPLICATION NO. 12763 OF 2022
IN FA/609/2018
WITH
CIVIL APPLICATION NO. 12764 OF 2022
IN FA/1095/2022
WITH
CIVIL APPLICATION NO. 427 OF 2026
IN FAST/35118/2025
WITH
CIVIL APPLICATION NO. 8251 OF 2022
IN FA/1095/2022
WITH
FIRST APPEAL NO. 609 OF 2018

Purushottam Radhakishan Bagdiya And Anr
VERSUS
Rameshchandra Madanlal Chovishya
...
Mr. P. D. Bachate, Advocate for Appellants
WITH
FIRST APPEAL NO. 1095 OF 2022
.....

CORAM : AJIT B. KADETHANKAR, J.

DATED : 22ND OCTOBER, 2026

P.C. :-

FIRST APPEAL NO. 609 OF 2018

. Feeling aggrieved by the judgment and order dated 23.12.2016, in Regular Civil Appeal No. 141 of 2012, the appellants therein are before this Court. Considering the short controversy in the matter, the appeal could be disposed of at admission stage. Suffice to note that it is a trust litigation.

2. Application No. 22 of 2008 filed by the petitioners for framing of the scheme under Section 50 A (1) of the Bombay Public Trusts Act, 1950 was rejected by an order dated 15.03.2012, passed by the Assistant Charity Commissioner, Jalna Region, Jalna. The rejection order was carried in appeal by the present petitioners. After hearing the parties, the appellate authority agreed the scheme and has approved the same; however with a small interference. The appellate Authority excluded clause number 9-A(iii). Appellate Authority directed that the number of the members would be 21. The request for rejection of the members from 21 to 11 was however turned down by the first appellate Court with a reasoned order.

3. Today when the matter is taken up for hearing, with the able assistance of the parties, I have gone through the case

papers. It appears that the reasons recorded by the Appellate Authority, whereby the exclusion of clause number 9-A(iii) was ordered, do not appear to be erroneous or irrational. No case is made out on behalf of the petitioners justifying reducing the number of members from 21 to 11.

4. Mere contention of Mr. P. D. Bachate, learned Advocate for the appellants is that, it would be difficult to run the trust with 21 members cannot be accepted in the absence of any cogent reason or statutory provision warranting such a restriction on the number of members

5. In view of the above, the order impugned in the first appeal does not call for any interference. Hence the First Appeal stands dismissed. Pending Civil Application also stands disposed of

CIVIL APPLICATION NO. 426 OF 2026

. Present Civil Application is filed seeking leave to file appeal challenging order dated 19.06.2025 passed by the learned Joint Charity Commissioner, Chhatrapati Sambhajinagar in Miscellaneous Application No.05 of 2025 with Appeal No.36 of 2021. The sum and substance of the case is that the applicants as also the respondents filed two

different schemes bearing Application Nos.22 of 2008 and 24 of 2008 under Section 58 of the Maharashtra Public Trusts Act for framing the schemes. Suffice to note, both the proceedings came to be turned down by the learned Assistant Charity Commissioner.

2. Rejection of the scheme in Application No.22 of 2008 was taken up in challenge by the respondents No. 1 and 2 before the District Court vide Appeal No.141 of 2012. After hearing the parties, the learned Additional District Judge, vide judgment and order dated 23.12.2016, allowed the Appeal with a small modification in the scheme. The District Court accepted and approved the scheme framed by the appellants therein (present respondent Nos.1 and 2) and directed that the membership would be of 21 members.

3. Vide First Appeal No.609 of 2018 the appellants therein assailed the said interference of the District Court as regards to the number of members in the scheme. Today, after hearing the parties, this Court dismissed the said first appeal. As such, the scheme framed by the respondent Nos.1 and 2, vide Application No.22 of 2008 stands confirmed.

4. It is a trite law that there cannot be two schemes to run simultaneously. Apparently, by virtue of the present application as also by the Appeal, the appellants want to rejuvenate the proceedings before the First Appellate Authority against the rejection of their scheme, which was proposed vide Application No.24 of 2008. As observed above, since the scheme proposed by the respondent Nos. 1 and 2, vide Application No.22 of 2008 stands confirmed in the First Appeal No.609 of 2018, these proceedings loose their significance. In view of this, civil application stands disposed of.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2026