



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

943 WRIT PETITION NO. 3417 OF 2026

YESHWANT PANDURANG PAWAR AND OTHERS
VERSUS
PANDURANG SHENFADU PAWAR AND OTHERS

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Mr. Abhinay D. Khot – Advocate for Petitioners

Mr. Prashant K. Nikam – Advocate for Respondent No.1

Mr. V.V. Bhavthankar h/f. Mr. Shripad Kulkarni – Advocate for Respondent No.2

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CORAM : S. G. CHAPALGAONKAR, J.

DATE : 01.04.2026

PER COURT :

1. Heard learned Counsel for the petitioners and learned Counsel for respondent Nos.1 and 2.

2. The petitioners impugn the order dated 06.03.2026 passed below Exhibit-294 by Assistant Charity Commissioner-2, Chhatrapati Sambhajinagar, in Inquiry No. 161 of 2015, whereby the application filed by the petitioners for impleadment came to be rejected.

3. The record reveals that Joint Charity Commissioner, Chhatrapati Sambhajinagar, by judgment and order dated 30.05.2022 in Appeal No.4 of 2018 remanded matter back to Assistant Charity Commissioner for fresh hearing to the extent of Point Nos.2 and 3 only. The Points Nos.2

and 3 are directed to be decided by Assistant Charity Commissioner. The Point Nos.2 and 3 are read as under :

[2] Whether the members participated in election dated 13.09.2014 conducted by the Election Officer are valid Members ?

[3] Whether the order dated 14.12.2017 passed by learned Deputy Charity Commissioner, Aurangabad in Inquiry No. 161 of 2015 under Section 42 of the M.P.T. Act is legal, proper and correct ?

4. Learned Counsel – Mr. A.D. Khot for the petitioners submits that since Point No.2 pertains to the validity of membership and the petitioners claim to be members, their participation in the proceedings before Assistant Charity Commissioner is necessary. Therefore petitioners moved an application below Exhibit – 294 under Section 73-A of the Maharashtra Public Trust Act, 1950, seeking their impleadment. The application has been rejected solely on the ground of delay. Mr. A.D. Khot submits that one of founder trustee was prosecuting inquiry proceedings, however due to old age, he is not taking effective steps, hence there is a likelihood that the issue of membership may be decided for want of proper evidence being brought on record. Since rights of petitioners are directly involved in the enquiry, their impleadment ought to have been allowed.

5. Per contra, learned Counsel – Mr. V.V. Bhavthankar holding for Mr.

Shripad Kulkarni for respondent No.2 vehemently opposes the petition. He submits that the petitioners were aware of remand order passed by Joint Charity Commissioner but did not take steps to seek impleadment at the appropriate time. According to him, present application has been belatedly filed with an intention to prolong the proceedings.

6. Having heard learned Counsels for the respective parties and considering the rival submissions, it is evident that the proceedings relating to change report were decided in Appeal Nos.4 and 5 of 2018 by Joint Charity Commissioner by order dated 30.05.2022 and matter has been remanded back only for adjudication of limited issues, including the validity of membership of persons who participated in the election dated 13.09.2014. The petitioners claim to be such members and, therefore, the issue of their membership is directly involved in the enquiry after remand. In this backdrop, petitioners are necessary parties for effective adjudication of dispute pending in Inquiry No.161 of 2015 before the Assistant Charity Commissioner. Merely because the petitioners did not seek impleadment at an earlier stage cannot be a ground to deny their impleadment, particularly when their rights are under adjudication. The Assistant Charity Commissioner has failed to consider this aspect and rejected the application.

7. In view of the above, the impugned order cannot be sustained in law.

8. The Writ Petition is accordingly allowed in terms of prayer clause 'B', subject to costs of Rs.10,000/- (rupees Ten Thousands only).
9. The petitioners shall cooperate in the expeditious disposal of the enquiry and shall not seek unnecessary adjournments. The Assistant Charity Commissioner shall decide the enquiry as expeditiously as possible.
10. The costs shall be deposited with Assistant Charity Commissioner, who shall pass appropriate orders regarding its disbursement.
11. Pending Civil Applications, if any, also stand disposed of.

[S. G. CHAPALGAONKAR]
JUDGE

Pooja Kale/