Santosh

# IN THE HIGH COURT OF JUDICATURE AT BOMBAY
## CIVIL APPELLATE JURISDICTION

## WRIT PETITION NO. 6539 OF 2026

Balasubramanian Paradhaman ...Petitioner

**Versus**

B. Paramanandhan And Ors ...Respondents

Mr. Yuvraj Narvankar, a/w Ms. Raufa Shaikh, for the Petitioner.
Mr. G. S. Godbole, Senior Advocate, a/w Kunal Bhanage and Akshay Pawar, for Respondent No.1.
Smt. Savita Prabhune, AGP, for the State – Respondent No.4.



**CORAM: N. J. JAMADAR, J.**
**DATED: 8th JUNE, 2026**

**Oral Order:-**

**1.** Heard the learned Counsel for the parties.

**2.** The challenge in this petition is to an order dated 16th March, 2026 passed by the learned Assistant Charity Commissioner, whereby an application preferred by the petitioner calling upon the private respondents to produce the documents purportedly under Order XII Rule 8 of the Code of Civil Procedure, 1908, came to be rejected.

**3.** The learned Assistant Charity Commissioner is seized with Change Report No.3320/2021 filed under Section 22 of the Maharashtra Public Trust Act, 1950. The petitioner, who is the reporting trustee gave notice to the private respondents to produce the documents in respect of the policies on the life of respondent No.1 and the minor son and daughter of respondent No.1, procured through A. Arun, the LIC agent, who is the son of T. Anbalagan. The learned Assistant Charity Commissioner was of the view that the documents, production of which was sought by the petitioner, were wholly irrelevant for the determination of the Change Report.

**4.** Mr. Narvankar, the learned Counsel for the petitioner, submitted that the petitioner has sought the production of the documents to show the *quid pro quo* between respondent No.1 and T. Anbagalan, who is one of the trustee and has allegedly changed the side. It was submitted that, the learned Assistant Charity Commissioner could not have decided the issue of relevancy at the threshold and ought to have kept the issue open for determination at the stage of final adjudication of the Change Report. Reliance was placed on the decision of the Supreme Court in the case of ***Bipin Shantilal Panchal v. State of Gujarat and another***[1]**,** wherein the Supreme Court had, *inter alia,* directed that the objected document be tentatively marked in evidence keeping open the issue of admissibility so that time

**1** (2001) 3 SCC 1.

is not lost in deciding the technical objections as to the admissibility of the documents.

**5.** The Court cannot loose sight of the underlying nature of the proceeding before the learned Assistant Charity Commissioner. The enquiry under Section 22 of the Maharashtra Public Trust Act is a judicial enquiry. The Charity Commissioner is required to decide whether the change reported by the reporting trustee was legal and valid. The Charity Commissioner is enjoined to decide not merely whether there was change in fact i.e. *de facto* change but whether the change was legal i.e. *de jure* change.

**6.** Keeping in view the aforesaid nature of the proceeding, the challenge in this petition is required to be decided. The learned Assistant Charity Commissioner was of the view that for the purpose of the determination of the question as to whether there was the change, as reported by the petitioner, the production of the documents was not relevant.

**7.** The view of the learned Assistant Charity Commissioner is legally impeccable. The question whether the respondent had obtained policies on the life of the respondent and his minor children, through the son of one of the trustees, is wholly irrelevant for deciding whether the change in fact and law, as reported by the petitioner, had occurred.

**8.** In the case of ***Bipin Shantilal Panchal*** (supra) the Supreme Court had recast the practice in regard to deciding the objections as to the admissibility of any material or item of oral evidence, in the following terms:

> "14. When so recast, the practice which can be a better substitute is this: Whenever an objection is raised during evidence taking stage regarding the admissibility of any material or item of oral evidence the trial court can make a note of such objection and mark the objected document tentatively as an exhibit in the case (or record the objected part of the oral evidence) subject to such objections to be decided at the last stage in the final judgment. If the court finds at the final stage that the objection so raised is sustainable the judge or magistrate can keep such evidence excluded from consideration. In our view there is no illegality in adopting such a course. (However, we make it clear that if the objection relates to deficiency of stamp duty of a document the court has to decide the objection before proceeding further. For all other objections the procedure suggested above can be followed.)"

**9.** In the facts of the case at hand, the reliance on the aforesaid judgment in the case of ***Bipin Panchal*** (supra) does not appear to be well founded. Where the very relevancy of the documents or item of evidence is questioned, and the Court finds that such documents/material is wholly irrelevant, the Court cannot be compelled to admit on record the documents/material howsoever irrelevant they may be. It would be contextually relevant to note that in the case of ***CRIMINAL***

***TRIALS GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES, IN RE vs. STATE OF ANDHRA PRADESH AND OTHERS***[2] another three-Judge Bench of the Supreme Court modified the practice mandated in ***Bipin Panchal*** (supra) in the following terms:

> "15. Apart from Section 148, there are other provisions of the Evidence Act (Sections 149-154) which define the ground rules for cross-examination. During questioning, no doubt, the counsel for the party seeking cross-examination has considerable leeway; cross examination is not confined to matters in issue, but extends to all *relevant facts*. However, if the court is not empowered to rule, during the proceeding, whether a line of questioning is relevant, the danger lies in irrelevant, vague and speculative answers entering the record. Further, based on the answers to what (subsequently turn out to be irrelevant, vague or otherwise impermissible questions) more questions might be asked and answered. If this process were to be repeated in case of most witnesses, the record would be cluttered with a jumble of irrelevant details, which at best can be distracting, and at worst, prejudicial to the accused. Therefore, this court is of opinion that the view in *Bipin Shantilal Panchal* should not be considered as binding. The presiding officer therefore, should decide objections to questions, *during the course of the proceeding, or failing it at the end of the deposition of the witness concerned*. This will result in de- cluttering the record, and, what is more, also have a salutary effect of preventing frivolous objections. In given cases, if the court is of the opinion that repeated objections have been taken, the remedy of costs, depending on the nature of obstruction, and the proclivity of the line of questioning, may be resorted to. Accordingly, the practice mandated in *Bipin Shantilal Panchal* shall stand modified in the above terms."

**10.** Applying the aforesaid principles to the facts of the case at hand, it becomes abundantly clear that the personal insurance documents have no remotest nexus with the determination of the legality and validity of the change, reported by the petitioner.

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**2** (2021) 10 SCC 598.

Thus, the Assistant Charity Commissioner was justified in declining to direct the production of those documents.

**11.** The petition, therefore, does not deserve to be entertained. The petition stands dismissed.

**[N. J. JAMADAR, J.]**