



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

WRIT PETITION NO. 6143 OF 2025

Madhuban Kushtrog Nirmulan Sanstha,
Jambhulghat (PTR No. F-827 (CHA)),
Through its Secretary
Ankush Bhalchandra Nevalkar,
Tahsil Chimur, District Chandrapur.

.... Petitioner

VERSUS

Ku. Kirti Suresh Chillapawar @
Sau. Kirti Atul Bhut,
Age : 43 Years, Occu. : Nil,
R/o. A-704, Sunshine Apartment,
Fursangi Road, Hadapsar, Pune,
Dist. Pune.

.... Respondent

....
Advocate for Petitioner : Mr. R.D. Narkhede
Advocate for Respondent : Mr. M.M. Dandekar

....

CORAM : PRAFULLA S. KHUBALKAR, J.

Dated : 06th MARCH 2026

JUDGMENT :

1. Heard.

2. **Rule.** Rule is made returnable forthwith and by consent of learned Advocates appearing for the parties, the petition is taken up for final disposal.

3. By this petition, the petitioner takes exception to an order dated 21.05.2025, passed by Assistant Charity Commissioner, Chandrapur, in Change Report No.69 of 2019, allowing the application at Exhibit 82, filed by the respondent under Section 73-A of the Maharashtra Public Trusts Act, 1950 (for short, “the Act”).

4. The controversy in the instant petition arises out of an application filed by the respondent under Section 73-A of the Act, in the proceedings of Change Report No.69 of 2019, alleging that the respondent is a ‘person having interest’, within the meaning of Section 2(10) of the Act and entitled to take part in the proceedings. The petitioner Trust had opposed the application and by order dated 21.05.2025, Assistant Charity Commissioner, Chandrapur has allowed the application. Feeling aggrieved by this order, the petitioner has filed the instant petition.

5. Mr. R.D. Narkhede, learned Advocate for the petitioner Trust submitted that the respondent has failed to demonstrate her entitlement to participate in the proceedings as a ‘person having interest’. He submitted that in absence of any material to establish that she was member of the Trust, her intervention application deserved to be rejected. In support of his submissions, he placed reliance on following judgments.

- i) *Shri Satish Vasant Salpekar Vs. Ashwin Ghatate and Another, reported in 2018(1) ALL MR 250.*
- ii) *Sanket Janardan Bhase Vs. The Assistant Charity Commissioner and Others, Decided on 22nd July 2022, in Writ Petition No.6001 of 2022.*
- iii) *Nikhil Appasaheb Magdum Vs. State of Maharashtra and Others, Decided on 03rd October 2025, in Writ Petition No.4188 of 2025.*

6. By relying upon the judgments referred above, learned Advocate for the petitioner submitted that the respondent does not fall in any of the categories of persons establishing her to be a 'person having interest' in the Trust under Section 2(10) of the Act.

7. Per contra, Mr. M.M. Dandekar, learned Advocate for the respondent-intervenor before the Authority, strongly opposed the petition and vehemently submitted that the respondent has filed on record a document of counter receipt showing her membership and the issue of her membership would be a subject matter of adjudication. He submitted that the respondent has also filed a separate proceedings of change report on the basis of election conducted in the year 2023, which are pending consideration and thus, the respondent established that she is a person having interest in the Trust. In support of his submissions, he placed reliance on

judgment of the Division Bench of this Court in the case of ***Digambar Pralhad Jot and Others Vs. Satyanarayan Biharilal Zunzumwala and Others, [1977 SCC Online Bom 37]***.

8. While considering the controversy involved in the instant petition, it has to be noted that the respondent had filed an application claiming her to be a 'person having interest' within the meaning of Section 2(10) of the Act. It is not in dispute that the respondent has filed a separate proceedings of change report based on the election conducted in the year 2023 and the said proceedings are pending consideration. In view of the provisions of Section 73-A of the Act, a person having interest in a public trust may be joined as a party to such proceedings and the term 'person having interest' is defined under Section 2(10) of the Act. This definition is inclusive mentioning several types of persons. In the wake of this legal provision, the claim of the respondent for joining as a party to the proceedings, being based on the fact of pendency of independent change report proceedings of the said Trust, is rightly entertained by the Assistant Charity Commissioner.

9. The position of law as laid down in the judgments relied upon by the learned Advocate for the petitioner is not disputed, however, none of the judgments are of any assistance to the

petitioner. As regards the judgment in the case of **Shri Satish Salpekar (Supra)**, it has to be noted that the claim of the petitioner therein was based on the subsequent orders and their appointments as trustees was not entertained in the peculiar facts of that case. The other judgments relied upon by the learned Advocate for the petitioner, based on the facts of those cases, do not deal with the situation present in this case wherein the intervenor has filed a separate proceedings of change report with respect to the Trust in question.

10. The position of law as laid down by the Division Bench of this Court in the case of **Digambar Jot (Supra)**, dealing with identical fact situation, appears to be more relevant for deciding the controversy involved in the instant petition. While considering the purport of phrase 'person having interest', the Division Bench has inferred that the intervenors, being trustees of the Trust, were required to be impleaded as party to the proceedings.

11. Having regard to the factual aspects revealed from the record of the instant case, it becomes clear that the respondent has claimed impleadment of herself on the basis of a document of counter receipt of her membership and on the basis of the fact of pendency of a separate change report proceedings with respect to the Trust in question. As such, the respondent has placed on record sufficient

material to show that she falls in the category of 'person having interest'. A perusal of the impugned order reveals that the authority have given due consideration to all the relevant factual and legal aspects and by a well reasoned order, allowed the application. The view taken by the authority appears to be a plausible view requiring no interference on any count.

12. In view of the above mentioned factual and legal aspects, no indulgence is warranted under Article 227 of the Constitution of India with the impugned order. Hence, The writ petition is dismissed with no order as to costs. Rule stands discharged.

[PRAFULLA S. KHUBALKAR]
JUDGE

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