



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

**WRIT PETITION NO.7342 OF 2025**

Vidarbha Sahitya Sangh, through its President **Vs.** Nil.

**WITH**

**WRIT PETITION NO.7338 OF 2025**

**IDBI Bank Ltd. Vs. Vidarbha Sahitya Sangh, through its President & Anr.**

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| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders | Court's or Judge's orders |
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Mr. Anand Parchure, Advocate for the Petitioner in WP No.7342/2025.

Mr. Atul Pande, Advocate for the Petitioner in WP no.7338/2025.

Mr. Anand Parchure, Advocate for Respondent No.1 in WP No.7338/2025.

Mr. Sahil Dewani, Advocate for Respondent No.2 in WP No.7338/2025

**CORAM: PRAFULLA S. KHUBALKAR, J.**

**DATED : 06<sup>th</sup> FEBRUARY, 2026**

1. Heard learned counsel for the petitioners as well as learned counsel for the respondents in both these petitions.

2. The petitioners' in the respective petitions have challenged the order dated 20.06.2025 passed by the Joint Charity Commissioner, Nagpur thereby, rejecting the application filed by the Trust namely Vidarbha Sahitya Sangh, Nagpur (herein after referred to as "the Trust") for condonation of delay of 22 years 5 months and 22 days caused in filing an application for extension of time for execution of Sale Deed.

3. Learned counsels for the respective parties pointed out that the Joint Charity Commissioner, Nagpur has initially passed an order in Application No.25/2000 on 20.07.2000 by which, the application filed by the Trust

under Section 36(1)(a) of the Maharashtra Public Trusts Act, 1950 to sell Chamber Nos.11 to 17 and 61 to 63 situated on 1<sup>st</sup> Floor of the Complex were granted to the United Western Bank (Now IDBI Bank) for the consideration as mentioned in the said order. Accordingly, the Sale Deed was directed to be executed within a period of six months from the date of the said order.

4. It is pointed out that the Sale Deed was not executed during the said period and therefore, an extension was sought, which was granted by an Order dated 04.08.2001 for a further period till 31.08.2001. It is pointed out that even in the extended period the sale deed was not executed.

5. Learned counsel for the petitioner-bank in Writ Petition No.7338/2025 submits that the United Western Bank Limited got merged with the petitioner-bank namely IDBI Bank Ltd. He submits that the entire sale consideration was paid by the petitioner-bank against said chambers and the actual possession is also with the petitioner-bank.

6. Learned counsel for the petitioner-Trust in Writ Petition No.7342/2025 does not dispute the position that the entire sale consideration was paid and the possession is with the Bank. It is also not disputed that the sale deed of the said property is not executed, even till today.

7. In this background, an application was filed by the Trust for condonation of delay and for extension of time for execution of the Sale Deed. While considering the application for condonation of delay, the Joint Charity Commissioner, Nagpur has although recorded the events

which occurred after the first order was passed, however, has finally observed that the reasons mentioned for delay are not sufficient and convincing. While considering such an application, particularly, in view of the fact that the Trust has not disputed the fact of receipt of consideration and the possession being with the Bank, a pragmatic approach was required to be adopted so that the proper title is conveyed to the Bank.

8. Considering the fact that there is no objection by the Trust and the fact that the Trust has also filed a separate petition challenging the same order, I find that the application for condonation of delay deserves to be allowed. However, it is also to be noted that the Trust has not taken steps diligently, even though the extension of time was granted. Now, after a period of 22 years, an application is submitted seeking condonation of delay and extension of time to execute the Sale Deed. Therefore, the petitioner-Trust is liable to be held accountable for the said delay and is required to pay costs on account of the delay.

9. Thus, after giving anxious consideration to the entire controversy, it is apparent that there is no valid reason to restrain the Trust from executing Sale Deed in favour of the Bank. In the event, Sale Deed is not executed, an anomalous situation will arise since the Trust has already received the entire sale consideration and handed over the possession to the Bank, which it is enjoying since last 20 years and still it will be without valid document of title.

10. Hence, for all the above mentioned reasons, following order is passed :-

**ORDER**

i. Writ Petition Nos.7342/2025 and 7338/2025 are **allowed**.

ii. The impugned order dated 20.06.2025 passed by the Joint Charity Commissioner is quashed and set-aside. Misc. Civil Application No.21/2024 filed by the Trust before the Joint Charity Commissioner stands **allowed**.

iii. The petitioner-Trust in Writ Petition No.7342/2025 Vidarbha Sahitya Sangh, Nagpur is directed to pay cost of Rs.10,000/- to **High Court Bar Association, Nagpur** within a period of four weeks from today.

iv. The Joint Charity Commissioner is directed to consider the application for extension of time for execution of the Sale Deed which is already filed by the petitioner-Trust on 21.02.2024 and pass necessary orders for execution of Sale Deed, preferably within a period of one month from the date of receipt of this order.

11. In view of above, both the writ petitions are **disposed of**.

**(PRAFULLA S. KHUBALKAR, J.)**

*Privel*