



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

WRIT PETITION NO. 2904 OF 2026

GOPICHAND RATIRAM MARASKOLHE AND OTHERS
VS
JOINT CHARITY COMMISSIONER - 2, NAGPUR

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.D. Abhyankar, Advocate for petitioners.
Ms. Prachi Joshi, AGP for respondent/State.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 21.04.2026

Heard learned counsel for the petitioners. The learned AGP appears and waives service of notice on behalf of respondent/State.

2. The petitioners' challenge is to the judgment and order dated 30.12.2025 passed by the learned Joint Charity Commissioner-2, Nagpur, thereby dismissing the appeal under Section 70 of the Maharashtra Public Trusts Act, 1950, on account of the appeal being a time barred appeal.

3. Learned counsel for the petitioners submits that the respondent has passed the impugned order by observing that the appeal was filed without seeking any condonation of delay and only on that count, the appeal was dismissed with costs.

4. Learned counsel for the petitioners invites my attention to paragraph No.15 of the impugned order, in which the authority has observed that no application for condonation of delay was filed and resultantly, the authority has passed the impugned order. Paragraph 15 of the impugned order is reproduced below :

“15. Prima facie, this appeal since belatedly lodged after the expiry of the limitation prescribed under the provisions of the Maharashtra Public Trusts Act, 1950, ought not to have been accepted and registered u/s. 70 of the Maharashtra Public Trusts Act, 1950. However, my ld. Predecessor registered the said Appeal on 08.03.2023. It is a settled principle of law that it is the duty of the judicial authority to look into the proceeding and to ascertain whether he has jurisdiction to try and entertain the proceeding.”

5. Learned counsel for the petitioners submits that infact an application for condonation of delay was earlier filed on 11.06.2018 and it was allowed by order dated 05.01.2022, passed by the Joint Charity Commissioner, Nagpur. The said application for condonation of delay and the order passed thereon are annexed to the Petition as Annexures (D) and (E).

6. Learned counsel for the petitioners submits that despite the fact that the delay was condoned, the authority has erroneously observed that no condonation of delay application was filed and the appeal was time barred.

It is pointed out that the appeal is dismissed only on this count without deciding the matter on merits.

7. Learned counsel for the petitioners also submits that when the hearing of the appeal was conducted on merits, the issue about limitation or absence of any application for condonation of delay was not raised by any of the parties and despite that the appeal is decided only on that count.

8. Be that as it may, the record reveals that the petitioners have earlier filed an application for condonation of delay which was duly considered and decided by order dated 05.01.2022. As such, the approach of the Joint Charity Commissioner-2, Nagpur in dismissing the appeal only on account of delay is erroneous and unsustainable. The impugned order therefore, deserves to be quashed and set aside by remanding the matter to the authority for deciding the appeal afresh on merits. Hence, I pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) The judgment and order dated 30.12.2025 passed by the learned Joint Charity Commissioner-2, Nagpur, is quashed and set aside.

(iii) Matter is remitted to the respondent-Joint Charity Commissioner-2, Nagpur for deciding the appeal afresh after giving an opportunity of hearing to both the parties.

9. The writ petition is disposed of accordingly.

(Prafulla S. Khubalkar, J.)