

MHRG010005022024



Civil Misc. Application No. 108/2024

Yakub Baig Trust, Panvel

V/s

Asstt. Charity Commissioner, Alibag, Raigad.

:: ORDER BELOW EXH. 64 ::

One Moinuddin Yakub Baig has raised objection to the Public Notice dt. 05.12.2025 which was published pursuant to the order dt. 01.12.2025 of this court, on the ground that a public notice do not specify the number of trustees to be appointed and that the public notice also do not specify out of five trustees to be appointed, three shall be from the family of Settlor Yakub Baig, those three trustees shall be chosen from each of the branch of the settlor's three sons viz Ahmed Baig, Usman Baig and Yusuf Baig and if a fit and proper representative from any one of the branches of the settlor's family is not available, any person belonging to the "Sunni Hanafi Muslim Jamat" can be appointed in his place for the time being. The remaining two trustees shall be chosen from among persons belonging to "Sunni Hanafi Muslim Jamat" and they shall be persons who have no connection with the members of the family of the settlor.

02. Ld. Adv. Smt. Pooja Jadhav with Adv. Jamir Shaikh submits that as per the order dt. 01.12.2025 there shall be clear mention of clause (3) of the scheme to avoid any further

objections. She has further submitted that the objectors are previously disqualified by this Court in Civil M.A, No. 40/2020 and that the objectors have adopted the delaying tactics and prayed for rejection of the application of the objector with costs.

03. Ld. Adv. Shri. S. N. Joshi for Applicant in Civil M. A. No. 108/2024 submits that, it be clarified in case the fresh public notice is published, what will happen to the nominations already filed as per the earlier public notice dt. 05.12.2025. Ld. Adv. Bartake has also proposed draft public notice with Exh. 72.

04. Perused application at Exh. 64, say of Applicant at Exh. 71, Draft Public Notice submitted by Adv. Bartake with pursis at Exh. 72, Say of Adv. S. N. Joshi for Applicant and Adv. Pooja Jadhav for Respondent no.2.

05. Considering the arguments of Adv. Bartake, Adv. S. N. Joshi, Adv. Jamir Shaikh I am satisfied that the Clarification/corrigendum needs to be issued to the public notice dt. 05.12.2025, which was issued in view of the order dt. 01.12.2025 passed by this court pursuant to the order dt. 03.11.2025 of the Hon'ble High Court, in Writ Petition No. 18892 of 2024. Perusal of the order dt. 01.12.2025 shows Clause (3) of the scheme formulated on 23.02.1953 by then District Judge, Kulaba now Raigad is not reproduced in Public Notice dt. 05.12.2025. Moreover the word 'qualification' of the trustees as specified in clause (4) of the scheme is missing in the public notice dt. 05.12.2025. All other objections raised by Respondent no. 2 deserves to be rejected. Therefore it is just necessary to issue corrigendum/clarification to the public notice

dt. 05.12.2025 as discussed above. Hence, I pass the following order.

:: ORDER ::

1. Corrigendum to the Public Notice dt. 05.12.2025 be issued incorporating clause (3) of the Trust Scheme formulated on 23.02.1953 by Then District Judge, Kulaba now Raigad as per the directions in Civil Suit No. 08/1952 in view of the Judgment and order dt. 10.11.1952.
2. In Corrigendum the word 'Qualification' be read with Disqualifications mentioned in clause (4) of the Trust Scheme, which are reproduced in the Public Notice.
3. It be clarified in the Corrigendum that who have already applied for the appointment as a Trustee as per Public Notice dt. 05.12.2025 need not apply afresh and that their already submitted applications will be considered alongwith applications that may be issued pursuant to this order.
4. Adv. Shri. S. N. Joshi for Applicant shall furnish draft Corrigendum to be issued latest by 2.45 p.m. on 14.01.2026. Ld. Adv. of Respondent no. 2 and Adv. Shri. Bartake who appeared for objector shall go through the draft Corrigendum that may be furnished before the Court by Adv. Shri. S. N. Joshi and give suggestions, if any, before 20.01.2026 as the Corrigendum to Public Notice dt. 05.12.2025 will be sent for publication in Local News Paper on 22.01.2026.

Sd/-

Alibag.
Date :- 13.01.2026

(R. D. Sawant)
Principal District Judge,
Raigad-Alibag.

CERTIFICATE

I affirm that, the contents of this P.D.F file order are same, word to word, as per the original order.

Name of Stenographer : Smt. S. S. Puro (Grade- I)

Court : Principal District Judge,
Raigad-Alibag.

Date of Order/Judgment : 13.01.2026.

Order/judgment signed by
the Presiding Officer on : 13.01.2026.

Order/judgment uploaded on : 13.01.2026.