

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.7854 of 2026

With

R/SPECIAL CIVIL APPLICATION NO.7860 of 2026

With

R/SPECIAL CIVIL APPLICATION NO.7862 of 2026

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PRAKASHBHAI RANCHHODBHAI PATEL & ORS.

Versus

THE JOINT CHARITY COMMISSIONER & ORS.

Appearance :MR SHALIN MEHTA, SENIOR COUNSEL ASSISTED BY MR DEEP D VYAS for
the Petitioner.

MR ANGESH PANCHAL, AGP for the Respondent No.1.

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CORAM:HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 08/06/2026

COMMON ORAL ORDER

1. Draft amendment which is already on record is granted.
To be carried out forthwith.

2. At the outset, learned Senior Counsel Mr. Shalin Mehta appearing with Mr. Deep D. Vyas for the petitioners has placed on record the certified copies of rojkam of Appeal Nos.30, 31 and 32 of 2022 pending before the Joint Charity Commissioner, Vadodara. The same is taken on record.

Mr. Mehta drew attention of this Court to the strange events which have taken place before the Joint Charity Commissioner, Vadodara. Mr. Shalin Mehta further submitted that on 20.5.2026, the petitioners presented an application for allowing them to produce additional evidence in the appeal proceedings as per Order 41, Rule 27 of the Code of Civil Procedure, 1908. He further submitted that when the aforesaid application for

production of additional evidence was produced before the Joint Charity Commissioner, the Joint Charity Commissioner passed an order on the said application on the very same day i.e. 20.5.2026 stating that hearing of the aforesaid application below Exh.49 shall take place along with the hearing of application below Exh.1.

3. In the said order, the Joint Charity Commissioner also said that hearing of application Exh.1 shall be done immediately so as to ensure that hearing of the application may not get delayed.

4. On the very same day i.e. 20.5.2026, the present petitioners preferred an application below Exh.50 seeking adjournment to challenge the order passed below Exh.49 before this Court. Upon that application, the Joint Charity Commissioner passed an order that final hearing of application Exh.1 is over and, therefore, the adjournment application was rejected.

5. Learned Senior Counsel Mr. Shalin Mehta submitted that the real intention of the Joint Charity Commissioner was to see that the petitioner's application for production of additional evidence is not heard and without even allowing the petitioner to place on record additional evidence, the main application below Exh.1 be heard and decided immediately behind the back of the petitioners without affording them sufficient opportunity to produce the additional evidence.

6. Learned Senior Counsel Mr. Shalin Mehta submitted that on one hand, the petitioners were not permitted to place on record the additional evidence and on the other hand, the petitioner's application seeking adjournment so as to enable the petitioners to challenge the order of not allowing the petitioner to

place additional evidence on record before this Court was also rejected by stating that the main matter is finally heard and it is kept for orders and, therefore, the Joint Charity Commissioner is required to be directed to stay further proceedings of Appeal Nos.30, 31 and 32 of 2022 and the Joint Charity Commissioner may not be allowed to pass any further order on the said application.

7. Mr. Angesh Panchal, learned Assistant Government Pleader appearing for the respondent No.1 requested that he may be allowed to get instructions and, therefore, he requests for time.

8. Considering the fact that today learned Assistant Government Pleader has not received any instructions from the office of the Joint Charity Commissioner, Vadodara and considering the fact that there are other respondents as well, but at the same time, considering the fact that if by the next date of hearing, the Joint Charity Commissioner passes the final order, in that case, this petition will become infructuous, **issue notice returnable on 20.7.2026**. Learned Assistant Government Pleader waives service of notice on behalf of respondent No.1.

There shall be ad-interim relief in terms of paragraph 25 (c) in Special Civil Application No.7854 of 2026 and paragraph 24 (c) in Special Civil Application No.7860 of 2026 and Special Civil Application No.7862 of 2026.

Direct service for remaining respondents is permitted.

(NIRZAR S. DESAI,J)

SAVARIYA