

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

34 WRIT PETITION NO. 12556 OF 2016

SHRI VRUDHESHWAR ADINATH DEVASTHAN TRUST  
THRO AUTHORISED PERSON AND OTHERS  
VERSUS  
THE JOINT CHARITY COMMISSIONER PUNE AND  
OTHERS

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Shri. R.L. Kute, Advocate, holding for Shri. V.R. Dhorde,  
Advocate, for petitioners.

Shri. S.S. Chapalgaonkar, Advocate, for respondent No.7.  
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**CORAM: T.V. NALAWADE, J.**

**DATE : 19 DECEMBER 2016**

**ORDER:**

1) Learned counsel for the petitioners is heard. Learned counsel Shri. Chapalgaonkar submits that he is appearing for respondent No.7. Notice to the other respondents made returnable on 16<sup>th</sup> January 2017.

2) Learned counsel for the petitioners argued for stay to the execution of so called order made by the learned Joint Charity Commissioner Pune in a proceeding bearing Misc. Application No.67/2015 dated 11-12-2015. It appears that some compromise was filed which was signed by two trustees out of 7 trustees in favour of

*Pujaris*/priests and then some order is made in favour of the *Pujaris*. It is surprising that when no proceeding was filed before the Assistant Charity Commissioner and no order made by the Assistant Charity Commissioner was challenged before the Joint Charity Commissioner, such application of original nature was entertained by the Joint Charity Commissioner and after recording the compromise signed by only two trustees, some order of distribution of money received as offering and other things is made by the Joint Charity Commissioner. Present proceeding is filed by Trust, five trustees and two villagers/devotees. It appears that such was not the arrangement in the past. Whether the Joint Charity Commissioner had such power needs to be ascertained in the present proceeding and apparently he had no jurisdiction to make such order. In view of these circumstances, this Court holds that some arrangement needs to be made to stay the execution of the order made by the learned Joint Charity Commissioner. So, the order is stayed till the next date.

Sd/-  
**(T.V. NALAWADE, J. )**

rsl