

PAGES : 9

CHARGE :31

O/40088/2012

Prepared By : MS BHUMIKA M  
VAGHELA

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Notified on : 12/12/12

Delivered on :

Read By :

Examined By :

*Buttan*  
12/12/12



Dy.S.O. *Bhukh*  
Decree Department

*12-12-12*  
Section Officer  
Decree Department

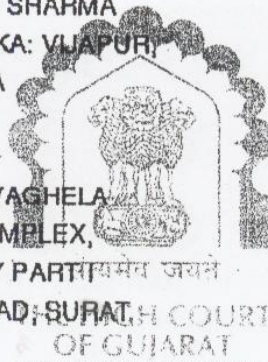
IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
ORDER PASSED BY THE COURT IN THE CASE OF

1. GUJARAT VALAND SEWA SANGH THROUGH TRUSTEES  
NANUBHAI M VALAND  
SECRETARY, R/103 JANKI FLAT,  
NR. PARIMAL RAILWAY CROSSING PALDI, AHMEDABAD
2. KANTILAL KESHAVLAL NAI  
PLOT NO. 373/A-1, SHANTIKUNJ  
SOCIETY, THE HIGH COURT  
SECTOR 28, GANDHINAGAR
3. GOPALBHAI GULABCHAND SHARMA  
PLOT NO. 505/2, SECTOR 3-C  
GANDHINAGAR.
4. BABUBHAI PRAHLADBHAI LIMBACHIA  
110/1, SECTOR 4A,  
GANDHINAGAR
5. ATMARAMBHAI MOHANLAL VANAND  
ATMAYJYOTI, PLOT NO. 355/2,  
SECTOR 22,  
GANDHINAGAR



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- 6 KALIDAS KACHRALAL PAREKH  
4, DEVDAS SOCIETY,  
D CABIN, SABARMATI  
AHMEDABAD
- 7 MAFATLAL SHIVRAM SHARMA  
A-12, VIDYALAKSHMI APARTMENT,  
NR. KESHAVNAGAR,  
SUBHASBRIDGE, AHMEDABAD
- 8 SURESHBHAJ JIVANLAL SHARMA  
45, DHANLAKSHMI INDUSCITY  
CIVIL ESTATE,  
SHAHIBAUG, AHMEDABAD
- 9 RAMESHBHAI P SHARMA  
BADPUR, TALUKA: VIJAPUR,  
DIST: MEHSANA
- 10 DILIP JADAVJI VAGHELA  
302, DHARA COMPLEX,  
PURVI SOCIETY PART II  
VARACHHA ROAD, SURAT
- 11 AMRUTBHAI K NAYI  
588, ADARSHNAGAR,  
SECTOR 24,  
GANDHINAGAR
- 12 JAYANTIBHAI K LIMBACHIA  
40, HARIWILLA BUNGALOWS,  
J K PARK SOCIETY,  
GOTA ROAD, CHANDLODIYA, AHMEDABAD
- 13 JAYANTIBHAI K SOLANKI  
C-6, JAY APARTMENT,  
OPP: AZAD SOCIETY,  
NR. C SAHAJANAND COLLEGE AHMEDABAD-6





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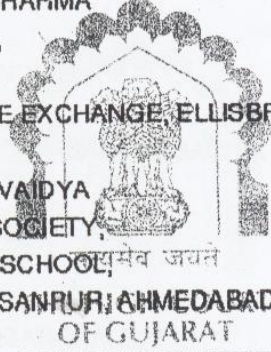
- 14 RAMANBHAI R PAREKH  
12, SARTHI BUNGALOWS  
NR. SURDHARA CIRCLE,  
MEMNAGAR, AHMEDABAD -58
- 15 RASIKBHAI U BAJANIA  
35, HASUBHAI PARK,  
NR. ASOPALAV PARTY PLOT,  
ANANDNAGAR ROAD, SATELLITE, AHMEDABAD-15
- 16 MADHUSUDAN C SURYAWALA  
4B MAHAGUJARAT SOCIETY ,  
PART II, NR. BHADRA FLAT,  
ANKUR CHAR RASTA, NARANPURA, AHMEDABAD
- 17 GIRISHBHAI V PAREKH  
SWASTIK , SIYA PARE  
RAOPURA,  
VADODARA-1
- 18 BALUBHAI B PAREKH  
65, NEELKAMAL SOCIETY,  
NR. JIVRAJ MEHTA HOSPITAL,  
AYOJANNAGAR, VASNA, AHMEDABAD  
OF GUJARAT
- 19 NAROTTAMBHAI H NAYI  
C-16, RAMTIRTH SOCIETY  
JIVRAJ PARK ROAD,  
AHMEDABAD-51
- 20 HARSHADBHAI C PAREKH  
PARISUKH-13,  
HARISIDDH SOCIETY,  
PETLAD ROAD, NADIAD, DIST: KHEDA
- 21 KANTIBHAI J SHARMA  
10, AMUL CO-OP HOUSING SOCIETY  
NENPUR, TAL: MEHMADABAD  
DIST: KHEDA





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- 22 RAJNIKANT M PAREKH  
KESAR PAPAD, ANAND SOJITRA  
ROAD,  
SUNAV, TAL: PETLAD DIST: ANAND
- 23 JAYANTIBHAI BHIKHABHAI PAREKH  
A-6, SNEHPARK SOCIETY,  
NR. SHANKARDADA KUVA,  
VAISHALI ROAD, NADIAD, DIST: KHEDA
- 24 ARVINDBHAI SAKALCHAND DAMNI  
TULSI PIPE ROAD, MINERVA VILLA  
73 ROAD, NR. CANARA BANK,  
MAHIM WEST, MUMBAI
- 25 JYOTINDRA N SHARMA  
E-3, PUJA FLAT,  
GULBAI TEKRA,  
NR. TELEPHONE EXCHANGE, ELLISBRIDGE, AHMEDABAD
- 26 ARVINDBHAI S VAIDYA  
2, VINIL PARK SOCIETY,  
B/H. GURUKUL SCHOOL,  
VATVA ROAD, ISANPUR, AHMEDABAD
- 27 DAHYABHAI V NAYI  
C-404, SATYAVAN VISHWAS FLAT,  
NR. SAYONA CITY  
GHATLODIA, AHMEDABAD -61
- 28 MANIBHAI B PAREKH  
27/A, RACHNA MANINAGAR SOCIETY  
NEAR JAYMALA BUS STOP,  
ISANPUR, AHMEDABAD
- 29 YOGESHBHAI N PAREKH  
C-8, AKRUTI TOWNSHIP.  
BETHAK MANDIR ROAD,  
LALDARWAJA, KHAMBHAT



30 VITHALBHAI S. PAREKH  
BANDHENI, TAL: PETLAD  
DIST: ANAND

31 KIRITBHAI R PAREKH  
DIED

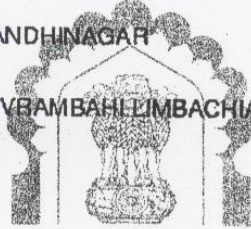


VERSUS

Appellant(s)

1 MEMBERS OF GUJARAT VALAND SEWA SANGH- PUBLIC TRUST  
KANTIBHAI KACHRABHAI NAYI  
PLOT NO. 938/2,  
SECTOR 2-C, GANDHINAGAR

2 AMRUTBHAI SHIVRAMBAHLIMBACHIA  
PLOT NO. 767/2,  
SECTOR 2-C,  
GANDHINAGAR



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3 GANESHBHAI KODARBHAI NAIK  
PLOT NO. 1360/2,  
SECTOR 2-B,  
GANDHINAGAR

HIGH COURT  
OF GUJARAT

4 CHARITY COMMISSIONER  
GUJARAT STATE, OPP: DINBAI  
TOWER, KHANPUR,  
AHMEDABAD

Defendant(s)

Being FIRST APPEAL No. 3464 of 2012

Appearance on Record:

MR NIRAV C THAKKAR as ADVOCATE for the Appellant(s) No. 1 - 3

MR PJ KANABAR as ADVOCATE for the Defendant(s) No. 1 - 3

MS REETA CHANDARANA as ADVOCATE for the Defendant(s) No. 4

COURT'S ORDER :

CORAM :

HONOURABLE MR.JUSTICE RAJESH H.SHUKLA

Date of Decision: 06/12/2012

(COPY OF ORDER ATTACHED HEREWITH)



NATIONAL INFORMATICS CENTRE





C/FA/3464/2012

ORDER

## IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL NO. 3464 of 2012

With

CIVIL APPLICATION NO. 12054 of 2012

With

CIVIL APPLICATION NO. 12289 of 2012




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 GUJARAT VALAND SEWA SANGH THROUGH TRUSTEES & 31....Appellant(s)

Versus

MEMBERS OF GUJARAT VALAND SEWA SANGH- PUBLIC TRUST &amp; —

3....Defendant(s)

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 Appearance:

MR NIRAV C THAKKAR, ADVOCATE for the Appellant(s) No. 1 - 31

MR PJ KANABAR, ADVOCATE for the Defendant(s) No. 1 - 3

MS REETA CHANDARANA, ADVOCATE for the Defendant(s) No. 4

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 CORAM: **HONOURABLE MR. JUSTICE RAJESH H. SHUKLA**

Date : 06/12/2012

**ORAL ORDER**

1. The First Appeal has been filed by the appellants- original opponent nos. 2 to 32. Being aggrieved by the judgment and order passed in Civil Misc. Application No. 51 of 2011 by the City Civil & Sessions Court, Ahmedabad, dated 25.09.2012 for quashing and setting aside the order of the Charity Commissioner on the ground of the set out in the memo of the present Appeal from Order.
2. Heard Shri Nirav C. Thakkar, learned counsel for the appellants, Shri P.J. Kanabar, learned counsel appearing for the respondents no. 1 to 3 and Ms. Reeta Chandarana, learned counsel for respondent no. 4- Charity Commissioner.

C/FA/3464/2012

ORDER

3. After arguing for sometime, referring to the provision of Bombay Public Trusts Act, 1951 particularly Section 50-A read with Rules and also the order passed by the City Civil & Sessions Court, as well as the order passed by the Charity Commissioner, learned counsel Shri Nirav. C. Thakkar, has submitted that let the matter be remanded back for giving opportunity of hearing as well as considering the submissions about the satisfaction of the Charity Commissioner on the basis of material which is not reflected in the order. The Charity Commissioner may be directed to decide afresh in accordance with law.

4. Therefore, in view of this rival submissions and also in view of the judgment reported in **2007 (2) GLR 1716** the case of **Dr. Chhotubhal L. Patel Vs. State of Gujarat**, the impugned order passed by the City Civil and Sessions Court in Civil Misc. Application No. 51 of 2011, dated 25.09.2012 is quashed and set aside with a view to provide opportunity to both the sides of hearing. The impugned order of the City Civil and Sessions Court quashing and setting aside the order of the Charity Commissioner is disturbing only for the purpose of remanding the matter back to decide the issues in context of the provision of Section 50-A of the Bombay Public Trusts Act, 1951. The Charity Commissioner is directed to decide Scheme Application No. 24 of 2010 in accordance with law after providing the opportunity to the respondents no. 1 to 3 and also any one who is interested by giving public notice in daily news paper with wide circulation. The Charity Commissioner shall decide on the basis of material that may be placed by both the sides and shall pass the appropriate order. This exercise will be done after providing opportunity of hearing to all concerned. The Scheme Application No. 24 of 2010 shall be decided by the learned Charity Commissioner preferably within a period of four months.

5. With the aforesaid observations and directions, the present First Appeal No. 3464 of 2012 with Civil Application No. 12054 of 2012 stands allowed. Civil Application No. 12289 of 2012 also stands



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C/FA/3464/2012

ORDER

disposed of.

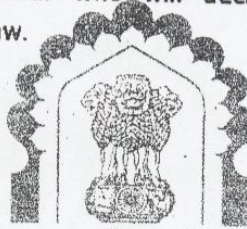
6. The Charity Commissioner shall decide on its own merits and will not be influenced by order of this Court. The order of the City Civil & Sessions Court, as well as the order passed by the Charity Commissioner, dated 18.12.2010 in Scheme Application No. 24 of 2010 is quashed and set aside.

6. In the meanwhile, the day to day affairs of the trust may be permitted to be carried out without prejudice to the trust, though no major decision with regard to any matter affecting in the trust or the major expenses may be taken without permission of the Charity Commissioner if need be arise. The application may be made to the Charity Commissioner who will decide any such application in accordance with law.



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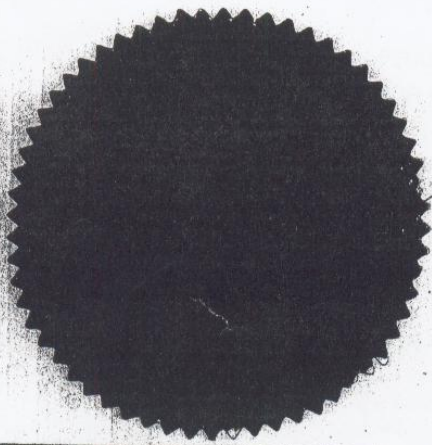
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THE HIGH COURT OF GUJARAT

*Self*  
(RAJESH H.SHUKLA, J.)



TRUE COPY

DEPUTY / ASSISTANT REGISTRAR  
THIS DAY OF

12/12/12  
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