

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.10429 OF 2014

Sou. Alka Sampat Jadhav and ors. .. Petitioners.

vs.

Sou. Sunanda Dilip Kulkarni and ors. .. Respondents.

Mr. Ram Apte, Sr. Advocate a/w. Mr. Haribhau Deshinge for the Petitioners.

Mr. P.M. Arjunwadkar for Respondent Nos.1 and 2.

Ms Aparna Vhatkar, AGP for Respondent No.3.

CORAM : M. S. SONAK, J.

DATE : 12 MARCH, 2015.

P.C. :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] This petition is directed against the order dated 10 September 2014 made by the Additional Collector, Sangli, confirming the order dated 6 February 2014 made by the Sub-Divisional Officer (SDO) condoning the delay on the part of the petitioners in instituting an appeal.

3] Perusal of the impugned order would indicate that the same is a non-speaking. All that the impugned order states is that the SDO's order dated 6 February 2014 condoning the delay is not in accordance with Section 5(3) of the Indian Limitation Act to which reference has been made in the impugned order. On this short ground, the impugned order is liable to be set aside. The Additional Collector shall reconsider the matter upon its own merits and in accordance with law.

4] The Additional Collector shall dispose of Revision Petition No.6 of 2014 within a period of six weeks from today.

5] Parties to appear before the Additional Collector, on 23 March 2015, at 11.00 a.m. to obtain directions in the matter of disposal of the Revision Petition.

6] It is made clear that this Court has not examined the merits of the matter and it shall be open to the Additional Collector to decide the Revision Petition, in accordance with law and on its own merits.

7] It needs to be recorded that Mr. Haribhau Deshinge, learned counsel for the petitioners, has made a statement that the petitioners have no dispute as regards to the maintainability of Revision Petition before the Additional Collector.

8] Rule is, accordingly, made absolute to the aforesaid extent. There shall be no order as to costs.

9] All parties to act upon an authenticated copy of this order.

(M. S. SONAK, J.)

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