

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2098 OF 2015

Smt. Monika S. Bodas and ors. .. Petitioners
vs.
Dhananjay Y. Pandit .. Respondent

Mr. N.V. Khaladkar for the Petitioners.
Mr. Ratnesh Dube for Respondent.

CORAM : M. S. SONAK, J.
DATE : 16 NOVEMBER 2015.

P.C. :-

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

2] The challenge in this petition is to the order dated 13 December 2013, by which the Sub-Divisional Officer, Pune (SDO) has condoned the delay in institution of Tenancy Appeal No. 214 of 2013.

3] The impugned order is merely an entry in the Roznama, which states that the delay has been condoned after taking into consideration the say of the parties. There are no reasons whatsoever in the orders/Roznama entry dated 13 December 2013. This is hardly a satisfactory manner of disposing of the application seeking condonation of delay. On this short ground, the order dated 13 December 2013 condoning the delay in instituting the appeal is hereby set aside.

4] The matter is remanded to the SDO, Haveli Taluqa, Pune for fresh consideration of the application for condonation of delay. The SDO is directed to afford an opportunity of hearing to both the parties and thereafter make a reasoned order in the matter. The application for condonation of delay to be disposed of within a period of two months from the date of production of authenticated copy of this order.

5] For the aforesaid purpose, parties to appear before the SDO on 30 November 2015 at 11.00 a.m. and produce the authenticated copy of this order.

6] It is made clear that this Court has not examined the merits of the matter and all contentions of all parties are kept open to be decided by the SDO.

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

8] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)