

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.6836 OF 2015

Late Shri. Ishwarappa Channabasappa Hidadugi

(Since deceased through his LRs)

Shri. Channanabasappa alias

Ganapti Ishwarappa Hiddadugi and others

.. Petitioners

Versus

The Sub Divisional Officer,

Sub Division, Gadhinglaj,

Tal:-Gadhinglaj, Dist:-Kolhapur and others

.. Respondents

Mr. D. B. Patil, for the Petitioners.

Mr. G. N. Salunke, for the Respondent No.2.

CORAM : R.M. SAVANT, J.

DATE : 29th JULY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 23.12.2014 passed by the Sub Divisional Officer, Gadhinglaj, Taluka Gadhinglaj, District Kolhapur, by which order the delay in filing the Appeal which according to the Learned Counsel for the Petitioner i.e. 42 years came to be condoned. The said delay has been condoned by passing a one line order which is to the following effect effect as -

“Delay condoned. Appeal admitted.”

2. Since the order is bereft of any reasons and since it is also the grievance of the Petitioner that he has not been heard, in my view, it would be just and proper to set aside the said order dated 23.12.2014 and remand the matter back to the Sub Divisional Officer for a de-novo consideration of the application for delay that is filed by the Respondent No.2. Needless to say that the said application would be tried by the Sub Divisional Officer, Gadhinglaj by giving proper opportunity to the parties which would include permitting them to file their replies. The Sub Divisional Officer on remand to decide the said application expeditiously and not later than 30.09.2015. The parties to appear before the Sub Divisional Officer, Gadhinglaj on 14.08.2015 at 3.00 p.m. It is not necessary to issue notice to the other respondents as the Appeal and the application for condonation of delay was filed by the Respondent No.2 herein. With the directions as aforesaid, the Writ Petition is disposed of.

[R.M. SAVANT, J]