

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

WRIT PETITION NO.5437 OF 2015

Sunanda Dilip Kulkarni

.. Petitioner

Versus

Alaka Sampat Jadhav and others

.. Respondents

Mr. M. B. Deshmukh, for the Petitioner.

**Mr. Haribhau Deshinge i/by Mr. K. J. Phatak, for the Respondent
Nos.1 to 4.**

Mrs. V. S. Nimbalkar, AGP for the Respondent No.5.

CORAM : R.M. SAVANT, J.

DATE : 11th AUGUST, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 17.04.2015 passed by the Additional Collector, Sangli, by which order the Revision Application No.6 of 2014 came to be rejected and a direction was issued that the matter is remanded back to the Sub Divisional Officer for rendering a decision. The said order was passed by the Additional Collector as the earlier order dated 10.09.2014 passed by the Additional Collector was set aside by this Court by order dated 10.03.2015 and the matter was remanded back to him for a de-novo consideration of the said proceeding. However, it is the contention of the Learned Counsel for the Petitioner that the directions as contained in the

order dated 10.03.2015 have not been complied with by the Additional Collector as the Additional Collector was required to consider whether the delay in question was required to be condoned which consideration was to revolve around the merits of the case of the Applicant.

2. During the course of the hearing of the above Petition, the Learned Counsel appearing for the Respondent Nos.1 to 4 in whose favour the orders are passed by the Sub Divisional Officer and Additional Collector makes a statement that the said Respondents are agreeable to the both orders i.e. order passed by the Sub Divisional Officer on 06.02.2013 as also the impugned order dated 17.04.2015 being set aside and the matter being relegated back to the Sub Divisional Officer for a de-novo consideration of the Appeal No.6 of 2014 in so far as the aspect of condonation of delay is concerned. The Learned Counsel for the Petitioner has no objection to the said course of action being followed. The impugned order dated 17.04.2015 as also the order dated 06.02.2013 passed by the Sub Divisional Officer are accordingly set aside and the matter is relegated back to the Sub Divisional Officer for a de-novo consideration of the application for condonation of delay. Since on the earlier occasion the Sub Divisional Officer has passed a cryptic order, he is well advised to pass a speaking order incorporating therein the reasons for acceptance or non-acceptance of the case of the Applicant for seeking

condonation of delay. On remand, the Sub Divisional Officer to decide the said application for condonation of delay within eight weeks of the parties appearing before the Sub Divisional Officer, Kadegaon, District Sangli. The parties to appear before the Sub Divisional Officer, Kadegaon on 20.08.2015. The period of eight weeks would start to run from then. Needless to state that the application for condonation of delay would be considered on its own merits and in accordance with law subject to the directions as mentioned hereinabove. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]