

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

**CIVIL APPLICATION NO.668 OF 2014
IN
CIVIL REVISION APPLICATION STAMP NO.26633 OF 2012**

**The Pune Municipal Corporation
Through Municipal Commissioner and anr. : Applicants.**

In the matter between

**The Pune Municipal Corporation
Through Municipal Commissioner and anr. : Applicants.**

**Versus
Pandit Waman Ashtekar : Respondent.**

**Mr. Manoj Badgujar i/by Mr. A P Kulkarni for the Applicants.
Ms. Monisha Mane i/by ALMT Legal for the Respondent.**

**CORAM : R. M. SAVANT, J.
DATE : 13th February 2015**

P.C.

1 The above Civil Application has been filed for condonation of delay of 1 year and 175 days in filing the above Civil Revision Application. The reasons as to why the delay has occasioned are mentioned in paragraphs 4 and 5 of the above Civil Application. The sum and substance of the reasons is that there are about 127 identical suits and that the objection as to the jurisdiction of the Court by way of a preliminary issue was decided in all the suits and therefore some time was required for clearance and approval at different levels of the Pune Municipal Corporation, as well as waiting for decision on the government level and therefore there was delay in preferring the Civil Revision

Application. It has further been averred in the Civil Application that since the general elections to the Pune Municipal Corporation were to be held in February 2012, the officers of the Municipal Corporation were busy with the work in connection with the said election. Thereafter it was decided in February 2012 to challenge the order passed on the preliminary issue as it would have adverse consequences on the Municipal Corporation. In view of the said decision the applications for certified copies were made in 127 suits and thereafter the instant Civil Revision Application has been filed resulting in the said delay of 1 year and 175 days.

2 The above Civil Application is opposed to on behalf of the Respondent – original Plaintiff. Though no reply has been filed, it is the contention of the learned counsel appearing for the Respondent Ms. Monisha Mane that the reasons mentioned in the Civil Application do not constitute sufficient cause so as to condone the delay of 1 year and 175 days in filing the above Civil Revision Application.

3 Having heard the learned counsel for the parties, in my view, the above Civil Application is required to be allowed. The reasons mentioned in the Civil Application, the gist of which has been adverted to herein above, can be said to be plausible reasons for the said delay of 1 year and 175 days. The fact that the Applicant is a public body and therefore some time is required to

take decisions etc cannot be lost sight of.

4 In so far as other Civil Revision Applications are concerned, the same challenge the decisions rendered in other identical suits. The delay in filing the said other Civil Revision Applications has been condoned and the said Civil Revision Applications are to come up for admission in the coming week. The above Civil Revision Application involves the same issue as the issue in the other Civil Revision Applications which are to come up for admission.

5 In my view, having regard to the aforesaid facts discretion would have to be exercised in favour of the Applicant. The above Civil Application is accordingly allowed. Resultantly, delay of 1 year 175 days stands condoned. Place the above Civil Revision application for admission along with Civil Revision Application (Stamp) No.29203 of 2012 and ors. The above Civil Application is accordingly disposed of.

[R.M.SAVANT, J]