

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

C.A.O.NO. 146/2013 IN M.C.A.ST.NO. 15139/2012
IN L.P.A.NO. 486/2011 IN W.P.NO. 249/2011.

Onkar Narayanrao Wankhade

VERSUS

Vidarbha Samaj Kalyan & Bahuuddeshiya Education Society.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
& A.P. BHANGALE, JJ.

DATED : JANUARY 19, 2015.

Heard Shri K.N. Dadhe, learned Counsel
for the applicant. Shri S.V. Tapadia, learned Counsel
for respondent nos. 1, 2 and 4 and Shri Adgaonkar,
learned A.G.P. for respondent nos. 3 and 5.

Prayer is to condone delay of 269 days in
filing Misc. Civil Application for restoration of
L.P.A.No. 486/2011. Civil Application no. 385/2011
was disposed of by this Court on 16.11.2011 after

holding that the School Tribunal was not party before the learned Single Judge. This Court while disposing of the L.P.A. gave appellant liberty to take necessary steps as are open in law.

The applicant thereafter approached the learned Single Judge by moving Civil Application No. 3231/2011 in disposed of Writ Petition. That application was granted on 23.12.2011 and, thereafter the School Tribunal was allowed to be impleaded. After the School Tribunal was impleaded before the learned Single Judge, by carrying out amendment, present proceedings have been filed.

Shri Tapadia, learned counsel submits that in disposed of writ petition, School Tribunal could not have been permitted to be added. He further submits that copy of that application was not served upon his client, and therefore, they do not get any opportunity to oppose the prayer before the learned Single Judge.

Learned A.G.P. adopts argument of Shri Tapadia.

All contentions raised by Shri Tapadia,

learned counsel and Shri Adgaonkar, learned A.G.P. for respondents pertain to merit of the controversy. The same are kept open. Here prayer is to condone delay and said delay has been explained with reference to subsequent developments. Hence, as we do not find any malafide, we condone the delay. Office to register M.C.A. and place the same for further consideration on 10.02.2015.

Civil Application is accordingly allowed and disposed of. No costs.

JUDGE

JUDGE

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