

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

911 WRIT PETITION NO.5965 OF 2016

MAHANANDA NAMDEV SURWASE
VERSUS
VANDANA NIRGURN SHINDE AND OTHERS

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Adv.for Petitioners : Mr. Patil Indrale Anand V.
Mr. SV Gundre, Adv. For Respondent No.1;
Mr. SW Mundhe, AGP for Respondents: 5 & 6.

CORAM : P.R.BORA, J.

DATE : 29th June, 2016.

PER COURT :

1) On request of learned Counsel appearing for petitioner, name of Respondent No.2 is permitted to be deleted from the array of respondent. Necessary deletion be effected forthwith.

2) Heard. It is the grievance of the petitioner in the present petition that in an appeal filed by Respondent No.1 before Regional Deputy Commissioner, Social Welfare Department, Latur, which is an Appellate Authority, no proper

opportunity was provided to him for making her submissions on the application for condonation of delay submitted by the appellant in the said appeal, i.e. present Respondent No.1 and delay of huge period was condoned. The petitioner was, therefore, having apprehension that she may not get justice if the appeal is heard by the said authority. For the said reason, the petitioner had filed the present petition praying for transfer of the said appeal for adjudication to any other officer.

3) It is informed that the concerned appeal is now being heard by some different officer/authority. In the circumstances, the learned counsel fairly submitted that his grievance made about the previous officer does not survive. The learned Counsel further submitted that since the petitioner has filed the present petition, she could not submit her reply to the appeal filed by Respondent No.1 before the said authority. The learned Counsel further

submitted that in view of the time limit fixed by this court for deciding the appeal by the Appellate Authority, petitioner may not be permitted to file her say. The learned Counsel, therefore, prayed for a direction to the Appellate Authority to allow her to submit her say.

4) In view of the submission so made, it appears to me that the present petition can be disposed of by directing the Appellate Authority to allow the present petitioner to submit her reply in the aforesaid appeal by providing her two weeks' time and then to proceed with the matter in accordance with the directions given by this Court in earlier writ petition. Order accordingly.

(P . R . BORA , J .)

bdv/