

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO. 11093 OF 2015

Navratnamala CHSL & Anr.	..	Petitioners
VS.		
Austin A. Jacinto & Ors.	..	Respondents

Mr. Akshay Patil for Petitioners.
Ms Madhura Dalvi i/b. Mr. Anil Desai for Respondent No. 1.
Mrs. Vaishali Nimbalkar – AGP for Respondent No. 6.

CORAM : M. S. SONAK, J.
DATE : 01 FEBRUARY 2016

P.C :

1] The challenge in this petition was to the order dated 30 December 2013 condoning the delay in appeal No.DLN/RTS/A-65 of 2013 instituted by the respondent no. 1.

2] In the meanwhile, i.e. on 21 October 2015, the Sub Divisional Officer, has disposed of the appeal itself. Therefore, this petition, to a certain extent, is rendered infructuous.

3] The learned counsel for the petitioners however submits that in case the petitioners are required to challenge the order dated 21 October 2015 or if the respondents challenge the order dated 21 October 2015, then, the contentions raised in this petition to the effect that the delay ought not to have been condoned be kept

open. This request is quite reasonable. Therefore, this petition is disposed of as infructuous. However, all contentions of all parties, including the contentions of the petitioners that there was no sufficient cause made out to condone the delay in instituting an appeal which has now been disposed of by the order dated 21 October 2015, are kept open.

4] The petition is disposed of in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka