

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION (ST) NO. 32801 OF 2015

Balkrishna S. Sanas (since deceased through
his heirs & LRs. 1A] Vilas B. Sanas) .. Petitioner

vs.

Narayan T. Ganjiwale (since deceased through
his heirs & LRs. 1A] Vijay N. Ganjiwale
and ors.) & ors. .. Respondents

Mr. Dilip Bodake for the Petitioner.

Mrs. Vaishali Nimbalkar, AGP for Respondent Nos.2 to 4.

CORAM : M. S. SONAK, J.

DATE : 1 FEBRUARY 2016.

P.C. :-

1] Mr. Bodake, learned counsel for the Petitioner, states that necessary affidavit of service has been filed.

2] By order dated 14 January 2016, it was made clear that this petition will be heard and disposed of finally at the stage of admission itself. Since Respondent Nos.5 to 8 were formal parties, service upon them was dispensed with.

3] The challenge in this petition is to the order dated 16 March 2015, by which, the Divisional Commissioner, Pune has vacated the stay granted on 21 November 2000, during pendency of revision application before the Divisional Commissioner.

4] The record discloses that the revision petition was on the cause list of 16 March 2015. The cause list had an endorsement that the dates would be granted in all the matters, since the Bar Association of India had given a call for Nationwide strike.

5] Despite the aforesaid endorsement, in the Roznama it is recorded that the Petitioner (referred to appellant) were absent. The Respondent was present and therefore, the stay order is vacated. There are no reasons set out for the vacation of the stay, which was in operation since the year 2000. That apart, in view of the endorsement on the cause list dated 16 March 2015, it is possible that the Petitioner did not appear in the matter expecting that fresh date will be informed.

6] The impugned order dated 16 March 2015 is therefore, set aside. The stay order made on 21 November 2000 is restored, pending the final disposal of Revision Application No. 443 of 2000. However, considering that the revision application is of the year 2000, the Divisional Commissioner is directed to dispose of the revision application, as expeditiously as possible and in any case within three months from today.

7] For aforesaid purpose, the Petitioner is directed to produce an authenticated copy of this order before the Divisional Commissioner on 10 February 2016 at 3.00 p.m.

8] With aforesaid directions, petition is disposed of. There shall be no order as to costs.

9] All concerned to act on the bass of authenticated copy of this order.

(M. S. SONAK, J.)