

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

C.A.O.NO. 209/2016 IN M.C.A.ST.NO.1205/2016
(FOR REVIEW) IN W.P.NO.2685/2014.

Zilla Parishad, Chandrapur.

-VERSUS-

Shri Vithoba Madhao Gadekar and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : **B.P. DHARMADHIKARI**
& P.N. DESHMUKH, JJ.

DATE : **APRIL 29, 2016.**

Heard Shri N.W. Almelkar, learned
Counsel for the applicant, Shri P.D. Meghe, learned
Counsel for respondent no.1 and Shri B.M. Lonare,
learned A.G.P. for respondent no.2.

2. Prayer is to condone delay of 300 days in
filing MCA St. No.1205/2016 for review. Learned
Counsel for the applicant relies on reply affidavit to
seek condonation. According to him relevant
Government Resolution could not be produced and the
Chief Executive Officer of Zilla Parishad after realizing
the error has directed filing of review.

3. Learned A.G.P. supports the prayer for

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condonation of delay.

4. Shri Meghe, learned Counsel submits that this Court has categorically observed in its order that the relevant government resolution was not made available for its perusal. Time of 4 months was given to the Zilla Parishad to implement the orders. The Chief Executive Officer has looked into the matter after 5 months. He therefore, contends that this conduct itself dis-entitles the applicant to any equitable relief.

5. The applicant before this Court is a local body and effort is to point out to this Court the correct position in law. Whether cognizance can be taken or whether effort is misconceived, are all matters which pertain to domain of merits of review petition. We do not find any malafides in moving the application for condonation of delay, hence, we condone the delay. Office to register M.C.A.

6. Civil Application is accordingly allowed.

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M.C.A.St.No. 1205/2016.

Heard.

2. This Court has today condoned delay in filing this review application.

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3. Notice, returnable on 15.06.2016. Shri P.D. Meghe, learned counsel for respondent no.1 and Shri B.M. Lonare, learned A.G.P. for respondent no.1, waive notice.

JUDGE

JUDGE

Rgd.