

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

909 WRIT PETITION NO. 8576 OF 2017

BHASKAR PANDURANG HIWALE AND ANOTHER
VERSUS
VIJAY VITTHAL SHINDE

...
Advocate for Petitioners : Mr. V. P. Golewar, h/f Mr. A. R. Joshi.
Advocate for Respondent : Mr. Parag Vijay Barde.
...

CORAM : **V. K. JADHAV, J.**
DATE : 21st November, 2017.

ORDER:

. The Petitioners have approached this Court against the order of condonation of the delay caused in filing the appeal before the College and University Tribunal, Pune.

2 The learned counsel for Petitioners submits that the Respondent has submitted a vague application without explaining the delay caused in filing the appeal. The learned counsel submits that the Respondent has falsely mentioned the dates about communication of the termination order and as such, made submissions before the Tribunal to the effect that from the date of knowledge, the appeal is within limitation.

3 The learned counsel for Respondent submits that the Petitioner has communicated the order of so-called termination on 26th October, 2016 and as such, the delay occurred, which has been rightly condoned by the Tribunal.

4 It is well settled that the merits of the case cannot be and should not be considered while condoning the delay caused in filing the appeal. The Tribunal has rightly observed that while deciding the application for condonation of delay, liberal approach is required to be adopted. Thus, considering the nature of litigation and the initial appointment and further communication of the alleged termination on the later date, I find that the Tribunal has rightly condoned the delay. No interference is required. The writ petition is hereby dismissed.

[V. K. JADHAV, J.]

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