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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 356 OF 2016

Lynn White & Anr	...Petitioners
<i>Versus</i>	
The State of Maharashtra & Ors	...Respondents

Mr Vishal Kanade, *with Huda Diamondwala, i/b Diamondwala & Co., for the Petitioners.*
Mr Himanshu Takke, *AGP, for Respondent No. 1.*

CORAM: G.S. PATEL, J
DATED: 1st November 2017

PC:-

1. **Rule**, made returnable forthwith. An affidavit of service is taken on record.

2. The only reason in the 2nd respondent's impugned order of 19th March 2015 for dismissing the petitioners' Revision Application No. 15 of 2014 was that there was a delay of 92 days. This is apparent from page 130 where the 2nd respondent has without any assessment on merits of the revision application taken up the point of delay of 92 days. This was not raised by either side. Even if there was no application for condonation of delay, the Authority could always have condoned that delay or, at the very least, afforded the revision applicant an opportunity to file an

appropriate application for condonation. It was wholly inappropriate to dismiss the revision application on that ground without affording any such opportunity.

3. For this limited reason, the writ petition is allowed. Rule is made absolute in terms of prayer clause (a). The impugned order dated 19th March 2015 is set aside. Revision Application No. 15 of 2014 is restored to file.

4. It is clarified that the delay, if any, in filing that revision application is hereby condoned and no fresh application is required for that purpose.

5. The 2nd respondent will decide the Revision Application afresh on its own merits uninfluenced by previous orders.

6. All contentions are expressly kept open.

7. The writ petition is disposed of in these terms. No costs.

(G. S. PATEL, J)