

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Civil Application [CAO] No. 98 of 2017
IN
Misc. Civil Application [Review] St. No. 1146 of 2017
in
Writ Petition No. 5326 of 2016 [decided]
[Hazratdada Hayat Kalander Education Society, Washim, Vs. Asstt. Charity Commissioner, Washim]

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

Court's or Judge's orders

Mr. J.R. Kidilay, Adv., for the applicant-petitioner.

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CORAM : B.R. GAVAI AND
V.M. DESHPANDE, JJ.

DATE : 20th January, 2017

The applicant-petitioner has applied for condonation of delay of eighty nine days in filing the application for review and modification of the order dated 20th September, 2016 passed by this Court in Writ Petition No. 5326 of 2016.

Heard.

For the reasons mentioned in the application, the application is allowed and delay is condoned.

Misc. Civil Appln. St. No.1146/2017 :

By way of present application, the applicant is seeking modification/review of the order. The ground raised is that since the original record is destroyed, the direction issued by this Court cannot be complied with within a stipulated period. Shri Kidilay, learned counsel for the applicant, submits that his client apprehends that on account of non-availability of the original record, the decision of the learned Asstt. Charity Commissioner may go against either of the parties.

In the present matter, a direction is issued to the learned Asstt. Charity Commissioner. If the learned Asstt. Charity Commissioner cannot comply with the direction within a stipulated period, he can very well request for extension of time. As a matter of fact, on earlier occasion, the learned Asstt. Charity Commissioner had prayed for extension of period, which has been granted by this Court.

In so far as the apprehension regarding learned Asstt. Charity Commissioner taking an erroneous decision is concerned, the same is totally ill-founded. In any case, the parties would always be at liberty to

challenge the order passed by the learned Asstt. Charity Commissioner before the appropriate forum.

No case is made out for invoking the review jurisdiction. Application is rejected.

Judge

Judge.

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