

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5980 OF 2018
WITH
CIVIL APPLICATION NO. 8933 OF 2018

Kaushalya Baburao Jadhav

..Petitioner

Versus

The Collector, Aurangabad
and another

.. Respondents

Shri Suhas P. Tive, Advocate for the Petitioner.
Shri S. B. Pulkundwar, A.G.P. for Respondents.

CORAM: S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.

DATE: 7th August, 2018

PER COURT :

1. The learned counsel submits that the petitioner was taken by surprise when the Original Application was rejected on the ground of delay. The learned counsel submits that liberty be given to the petitioner to file an application for condonation of delay specifying the grounds for delay. The petitioner was under assumption that the Original Application is filed within the prescribed period of limitation as his representations were pending. The learned counsel

submits that the petitioner may be allowed to file an application for condonation of delay thereby showing sufficient cause.

2. Mr. Pulkundwar, the learned A.G.P. submits that considering the delay of more than five to six years the tribunal has rightly passed the order.

3. It appears that the petitioner did not file any application for condonation of delay. On the face of it, the matter appears to have been filed beyond the prescribed period of limitation.

4. Considering the fact that the rights of the petitioner with regard to his monetary claims are involved, we are inclined to grant opportunity to the petitioner to file an application for condonation of delay specifying the sufficient cause to be considered by the tribunal.

5. In the light of above, the impugned order is quashed and set aside. The matter is relegated to the tribunal. The petitioner shall appear before

the tribunal on 27.08.2018 along with the application for condonation of delay. In case, the petitioner does not file an application for condonation of delay on the said date, the Original Application shall stand dismissed. If the petitioner files an application for condonation of delay as directed above, the tribunal shall consider the said application on its own merits.

6. Writ Petition is disposed of. No costs.

7. In view of disposal of writ petition, civil application also stands disposed of.

[SUNIL K. KOTWAL, J.] [S. V. GANGAPURWALA, J.]

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