

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 3498 OF 2018

Shree Vishwanath Baburao Jadhav and others. ... Petitioners.

V/s.

State of Maharashtra and others. ... Respondents.

Mr.Shivaji A./ Masal for the petitioners.

Mr.P.G.Sawant, AGP for respondent Nos.1 to 3.

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CORAM : A.S.OKA AND A.S.GADKARI, JJ.

DATE : 21st September 2018.

P.C.:

The learned AGP, on instructions from the Sub-Divisional Officer, Chanwad, states that the pending Appeal No.18/2017 shall be decided by him within one month from today. From the Roznama of the proceeding, we find that the appeal was heard on 23rd January 2018. Therefore, it will be appropriate if a fresh hearing of the appeal is conducted. The learned AGP pointed out that the appellants (petitioners herein) were repeatedly absent when the appeal was heard from time to time. We, therefore, make it clear that in the event the petitioners fail to appear before the Sub-Divisional Officer on the date fixed by this Court, it will not be necessary for the Sub-Divisional Officer to accommodate the petitioners.

2. Accordingly, we pass the following order:

- (i) We direct the petitioners to remain present before the Sub-Divisional Officer, Chandwad on Monday i.e. 15th October 2018 at 11.00 a.m. The Sub-Divisional Officer shall issue notice to the respondents in the appeal of the date and time fixed by this Court;
- (ii) The appeal shall be decided as expeditiously as possible and preferably within a period of six weeks from the date fixed;
- (iii) We make it clear that the petitioners will not be entitled to seek any adjournment and they are under obligation to appear before the Sub-Divisional Officer on the date fixed for hearing;
- (iv) All contentions on merit are kept open;
- (v) Writ petition stands disposed of.

(A.S.GADKARI, J.)

(A.S.OKA, J.)