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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6020 OF 2016

Mahadu L. Bhondave

...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr.Satyavrat P.Joshi for the Petitioner.

Mr.S.D. Rayrikar, A.G.P. for the State – Respondent Nos.1 to 3.

Mr.Sachin Dhakephalkar for the Respondent Nos.4, 5-a to 5-c and 6.

CORAM : R.D. DHANUKA, J.

DATE : 20TH APRIL, 2018.

P.C. :-

1. The papers are allowed to be produced at 3:00 p.m.
2. Rule. Mr.Rayrikar, learned A.G.P. for the respondent nos.1 to 3 waives service. Mr.Dhakephalkar, learned counsel for the respondent nos.4 to 6 waives service. By consent of parties, the writ petition is heard finally.
3. Learned counsel appearing for the respondent nos.4 to 6 has no objection if the impugned order dated 8th February, 2016 passed by the learned Sub-Divisional Officer, Haveli, Pune in Revision Application No.659 of 2012 is set aside and if the said revision application is restored to file. He further states that his clients

would also file an application for condonation of delay in filing the said revision application within three weeks from today and a copy thereof shall be served upon the petitioner's advocate simultaneously. Statement is accepted. Learned Sub-Divisional Officer, Haveli, Pune shall grant an opportunity to the petitioner to file the affidavit in reply to the said application for condonation of delay.

4. The impugned order dated 8th February, 2016 passed by the learned Sub-Divisional Officer, Haveli, Pune in Revision Application No.659 of 2012 is set aside. The Revision Application No.659 of 2012 is restored to file before the learned Sub-Divisional Officer, Haveli, Pune. It is made clear that the learned Sub-Divisional Officer, Haveli, Pune will hear the application for condonation of delay first and after hearing both the parties, shall pass an order in accordance with law. If the learned Sub-Divisional Officer, Haveli, Pune comes to the conclusion that the delay is sufficiently explained by the respondent nos.4 to 6 and if the delay is condoned on that ground, the learned Sub-Divisional Officer, Haveli, Pune shall not proceed with the hearing of the Revision Application No.659 of 2012 for a period of two weeks from the date of communication of the order to the petitioner.

5. Rule is made absolute in aforesaid terms. No order as to costs.

6. All the parties, including the Authorities to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)