

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3736 OF 2017**

Uday Ghanshyam Naik

... **Petitioner**

Versus

The State of Maharashtra & Ors.

... **Respondents**

Mr. A.G. Damle Sr. Adv. i/b R.D. Survanshi for Petitioner.

Mr. R.M. Shinde-AGP for State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : JUNE 06, 2018

P.C :-

1. Having heard learned Counsel for the respective parties, we deem it convenient to direct Respondent No.5 to decide the application for condonation of delay in Appeal No.268 of 2016, copy of which is annexed at Exhibit-'F' Page 44 as expeditiously as possible and in any case within a period of four weeks from the date of receipt of this order. In the event, delay is condoned, the Respondent No. 5 shall dispose of the Appeal No.268 of 2016 filed by the Petitioner, copy of which is annexed at Exhibit-'H' page 60, within a period of four weeks from the date of

condonation of delay. Ordered accordingly.

2. It is made clear that we have not gone into the merit of the matter. The Respondent No. 5 shall decide the application for condonation of delay as well as the appeal on its own merit and in accordance with law.

3. The Petitioner shall remain present before the Respondent No. 5 on 12.07.2018, along with copy of this order, appeal memo, and the application for condonation of delay in order to enable the Respondent No. 5 to comply with this order.

4. No coercive action be taken against the Petitioner till disposal of the appeal. In the event, the order on delay condonation application or the appeal, as the case may be, is adverse to the interest of Petitioner, the same shall not be acted upon and no coercive action be taken against the Petitioner for a further period of two weeks from the date of communication of the same to the Petitioner.

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]