

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6419 OF 2017

Popatlal Mohanlalji Khut

..... Petitioner

VERSUS

Kamlesh Keshavlal Trivedi & Anr.

..... Respondents

Mr.Suresh M.Kamble for the Petitioner.

Mr.Nitin D.Trivedi, a/w. Mr.R.Sathyanarayanan for the Respondent no.1.

Mr.S.D.Rayrikar, A.G.P. for the State – Respondent no. 2.

CORAM : R.D. DHANUKA, J.

DATE : 8th JANUARY, 2018

P.C.

By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order passed by the respondent no.2 on 26th December, 2016 allowing the Misc.Application No.269 of 2016 in Appeal No.675 of 2016 filed by the respondent no.1 *inter alia* praying for condonation of delay in filing an appeal.

2. Mr.Kamble, learned counsel appearing for the petitioner invited my attention to the observations made by the respondent no.2 and in particular paragraph(5) and would submit that his client is aggrieved by the findings rendered by the respondent no.2 that the newspapers viz. 'Apla Mahanagar' and 'Khoj Khabar' do not have wide circulation and publication of such notice in such newspapers. The petitioner has not canvassed any other issue arising out of the said order except this observation made by the respondent no.2.

3. In my view, respondent no.2 has rightly condoned the delay in filing the appeal against the order passed in Change Report No.ACC-VII/3763/2015 dated 11th February,2016 and thus no interference is warranted in the impugned order passed by the respondent no.2.

4. However, it is clarified that the appeal filed by the respondent no.1 would be considered by the learned Joint Charity Commissioner – I, Maharashtra State, Mumbai on its own merits and without being influenced by the reasons recorded in the impugned order dated 26th December, 2016.

5. Writ petition is disposed of in the aforesaid terms. No order as to costs.

[R.D. DHANUKA, J.]