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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7360 OF 2017

Janhavi Gadkar

...Petitioner

V/s.

State of Maharashtra & Ors.

...Respondents

Mr.T.N. Subramanian, Senior Counsel with Mr.Ankit Ransubhe I/b
Mrugank & Basutkar Law Partners for the Petitioner.

Ms.Kavita N. Solunke, A.G.P. for the Respondents.

Mr.Purushottam D. Nikam, Regional Transport Officer, Mumbai (E)
present.

CORAM : R.D. DHANUKA, J.

DATE : 24TH JULY, 2018.

P.C. :-

1. Ms.Solunke, learned A.G.P. on instructions from Mr.Purushottam D. Nikam, Regional Transport Officer states that the respondents have no objection if the impugned order dated 19th July, 2016 passed by the respondent no.3 is set aside and the matter is remanded back to the respondent no.3 for hearing and final disposal afresh and in accordance with law. Learned A.G.P. on instructions states that the respondent no.1 would not raise any issue of limitation before the respondent no.3 and would oppose the said appeal on merits. The statement is accepted.

2. The impugned order dated 19th July, 2016 passed by the respondent no.3 is accordingly quashed and set aside. The appeal filed by the petitioner annexed at page 61 is restored to file. The Appellate Authority shall decide the said appeal on its own merit without being influenced by the observations made in the impugned order dated 19th July,2016. It is made clear that the Appellate Authority shall not consider the issue of limitation while considering the said appeal on its own merit.

3. In view of the statement made by the learned A.G.P. for the respondents, this Court is not required to go into the issue as to whether the Appellate Authority had power to condone delay or not under the provisions of the Maharashtra Vehicles Act read with Rules.

4. It is made clear that this Court has not expressed any views on merit of the matter. All the contentions of both the parties on merits are kept open. The petitioner would be at liberty to add the additional grounds in the appeal memo filed before the respondent no.3 within one week from today. The amended copy of the appeal memo shall be served upon the respondent no.1 simultaneously.

5. The petitioner is directed to appear before the respondent no.3 on 13th August, 2018 at 11:00 a.m. in person or through a counsel.

6. The writ petition is disposed of in aforesaid terms. There

shall be no order as to costs.

7. All parties to act on the authenticated copy of this order.

(R.D. DHANUKA, J.)