

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION NO. 2180 OF 2017****Om Udyanand Seva Mandal****..... Petitioner****VERSUS****Santosh Ganpat Katalkar & Ors.****..... Respondents**

Mrs.D.S.Mondkar-Hule, i/b. Mr.Sachin B.Shetye for the Petitioner.

Mr.Shashank C.Mangle for the Respondent nos. 3, 6 to 10.

Mr.S.H.Kankal, A.G.P. for the State - Respondent nos. 11 to 13.

CORAM : R.D. DHANUKA, J.**DATE : 27th FEBRUARY, 2018****P.C.**

By this petition filed under section 227 of the Constitution of India, the petitioner has impugned the order dated 1st September,2015 passed by the Joint Charity Commissioner, Kolhapur rejecting the application for condonation of delay for 38 days in filing the appeal against the order dated 18th February,2014 passed in Change Report No.80 of 2002.

2. With the assistance of the learned counsel for both the parties, I have perused the reasons recorded in the application dated 31st May,2014 annexed at Ex.C to the petition. In my view the petitioner has sufficiently explained the delay of 38 days in filing an appeal. The petitioner has also produced the medical record for consideration of the learned Joint Charity Commissioner. Learned Joint Charity Commissioner however has not considered this crucial aspect and his

passed this harsh order. In my view, the impugned order dated 1st September,2015 thus deserves to be set aside. I, therefore, pass the following order :-

3. Impugned order dated 1st September,2015 passed by the Joint Charity Commissioner, Kolhapur is set aside. Delay is condoned. Application for condonation of delay dated 31st October,2015 is allowed. Learned Joint Charity Commissioner shall hear the appeal filed by the petitioner against the order dated 18th February,2014 in the Change Report No.80 of 2002 on its own merits expeditiously.

4. The parties as well as the authorities to act on the authenticated copy of this order.

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

[R.D. DHANUKA, J.]