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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 11760 OF 2013

Shri Dnyaneshwar Narayan Mulik ...Petitioner

V/s.

Kai. Giridhar Krushnaji Lele (Since Deceased)  
Through legal heirs & Ors ...Respondents

Mr. Vijay Killedar for the Petitioner.  
Mr. Vineet Naik, Senior Advocate a/w. Mr. Devashish Godbole i/b  
ALMT Legal for Respondent Nos. 1 to 7.  
Mr. S.D. Rayrikar, AGP for State/Respondent No.8.

**CORAM : R.D. DHANUKA, J.**  
**DATE : 19TH MARCH, 2018.**

**P.C. :-**

1. By consent of the parties, the impugned order dated 24<sup>th</sup> September, 2012 passed by the Sub Divisional Officer, Pune Sun Division, Pune annexed at Exhibit-B is set aside. R.T.S. No. Appeal No. ADN/SR/743 of 2010 is restored to file.
2. The Respondent Nos. 1 to 7 would be at liberty to file application for condonation of delay. The learned Sub Divisional Officer shall hear both the parties on the said application for condonation of delay first. A copy of the application of condonation of delay shall be served upon the petitioner within one week from the

date of filing of such application for condonation of delay. The application for condonation of delay shall be filed within two weeks from today. Affidavit in reply shall be filed within two weeks from the date of service of the application for condonation of delay.

3. The learned Sub Divisional Officer shall decide the said application for condonation of delay on its own merit without being influenced by the observations made and conclusions drawn in the impugned order dated 24<sup>th</sup> September, 2012 and in accordance with law.

4. If the learned Sub Divisional Officer allows the said application for condonation of delay, the learned Sub Divisional Officer shall not proceed with the hearing of the R.T.S. No. Appeal No. ADN/SR/743 of 2010 for a period of two weeks from the date of communication of the said order to the petitioner.

5. Writ petition is allowed in the aforesaid terms. No order as to costs. It is made clear that this Court has not expressed any views on the merits of the impugned order passed by the learned Sub Divisional Officer. All contentions of both the parties on merits of the matter including maintainability of the RTS No. Appeal No. ADN/SR/743 of 2010 filed by the respondent nos. 1 to 7 are kept open.

**(R.D. DHANUKA, J.)**