

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2535 OF 2018

Mukesh Bapusaheb Dhanawade

....Petitioner

V/s.

Ld. Collector and District Magistrate, Sangli & Ors.Respondents

Mr. Kuldeep Nikam for the petitioner.

Mr. S.D. Rayrikar, AGP for respondent nos.1 to 3.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED : 03RD JANUARY, 2019.

P.C.:

. Rule. With consent, the petition is taken up for final hearing at the stage of admission.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 22/08/2017 whereby the learned Divisional Commissioner, Pune Division, Pune has rejected the application for condoning the delay of two months and 12 days in filing the appeal under the Arms Act.

3. Mr. Kuldeep Nikam, learned counsel for the petitioner has submitted that the petitioner is a Principal in New High School, Sangli and that he was unable to file the appeal within the stipulated period

as he was busy with admissions and other matters relating to the school administration.

4. I have perused the delay condonation application at Exhibit – 'C' wherein the petitioner has stated that at the relevant time, he had remained busy with the on going admission process. A perusal of the said application at Exhibit – C clearly indicates that the petitioner had explained the delay in filing the appeal. The learned Appellate Authority has not considered this explanation as the petitioner had not produced any documentary evidence to substantiate the grounds raised in the appeal. It is well settled that while considering the application for condonationn of delay, the Court / Statutory authorities should not adopt pedantic approach. The approach should be liberal and justice oriented overriding technical considerations. In the instant case, there is no inordinate delay in filing the application or gross inaction on the part of the petitioner. The delay is not intentional and the explanation given by the petitioners, in my considered view, constitutes “ sufficient cause” and hence the right of hearing of the appeal on merits ought not to have been shut.

5. Considering the above facts and circumstances, the impugned order cannot be sustained. Hence, the impugned order dated

22/08/2017 passed by the Divisional Commissioner, Pune Division, Pune rejecting the application for condonation of delay is set aside. The delay of 02 months and 12 days in filing the appeal is condoned.

6. The Divisional Commissioner shall dispose of the appeal on its own merits as expeditiously as possible and in any event not later than 4 months from the date of communication of this Order.

7. Rule made absolute in the aforesaid terms.

(SMT. ANUJA PRABHUDESSAI, J.)