

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 5774 OF 2018**

Vaishali S. Jondhale

.....Petitioner.

Vs.

Shivajirao Jondhale & Ors.

.....Respondents.

Mr. Sanjiv Sawant for the Petitioner.

Mr. A.B. Kadam, AGP for the Respondent Nos. 2 and 3-State.

CORAM : A. S. GADKARI, J.**DATE : 18th JUNE, 2019.****P.C.:-**

The Petitioner has taken exception to the common Judgment and Order dated 27th March, 2017, passed by the learned Joint Charity Commissioner-I, Maharashtra State, Mumbai in Miscellaneous Application Nos. 499 of 2016, 500 of 2016, 501 of 2016 and 502 of 2016 thereby, allowing those Applications for condonation of delay, subject to payment of costs.

2 The record indicates that, the Respondent No. 1 had filed the said Applications for condonation of delay under Section 5 of the Limitation Act, which was occurred in filing Appeal against the common Order passed by the learned Assistant Charity Commissioner-

II, Greater Mumbai Region, Mumbai in Change Report No. ACC-II/2574 to 2577 of 2011 dated 5th January, 2013.

3 Mr. Sawant, the learned counsel for the Petitioner submitted that, no sufficient reason has been given by the Respondent No.1 in his Applications filed before the Joint Charity Commissioner-I, Mumbai seeking condonation of substantial delay of 1182 days and therefore, condoning the said delay, is improper and bad in law.

4 A bare perusal of the Applications filed by the Respondent No.1 for condonation of delay would indicate that, he has elaborately stated various reasons occurred in filing the said Applications belatedly. Further perusal of the said Applications would indicate that, sufficient cause along with elaborate reasons have been given by the Respondent No.1 in the said Applications. Even otherwise, the impugned Order is an interlocutory Order.

5 After perusing the entire record, this Court is of the view that, the Respondent No. 2 has not committed any error either in law or on facts while allowing the Applications for condonation of delay filed by the Respondent No.1, by its impugned Order dated 27th March, 2017. I find no reason to interfere with the impugned Order.

Petition is accordingly rejected.

It is needless to mention here that, the Petitioner is always at liberty to agitate and/or raise points pertaining to the merits of the Appeal, which is pending on the file of the Joint Charity Commissioner for final adjudication.

(A.S. GADKARI, J.)