

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 10005 OF 2018**

Ruby Dominic Fernandes & Ors.

.....Petitioners.

Vs.

Prakash Sukrya Gorwala & Ors.

.....Respondents.

Mr. P.S. Dani, Senior Advocate I/by Mr. J.M. Joshi for the Petitioners.
Mr. Anil D'Souza for the Respondent No.5.

CORAM : A. S. GADKARI, J.

DATE : 7th JUNE, 2019.

P.C.:-

The Petitioners have impugned Order dated 26th March, 2018, thereby allowing the Application for condonation of delay filed by the Respondent No.5.

2 A bare perusal of the impugned Order would indicate that, no reasoning at all is given by the Tribunal while condoning delay of 1169 days.

3 Mr. D'Souza, the learned counsel for the Respondent No.5 fairly conceded to the said fact that, there is no reasoning given by the learned Member of the Maharashtra Revenue Tribunal, Mumbai while allowing the Application for condonation of delay.

4 In view thereof, the impugned Order dated 26th March, 2018, is hereby set aside and the Application for condonation of delay is restored to the file of the Maharashtra Revenue Tribunal, Mumbai, for its consideration afresh.

5 It is needless to mention that, the Tribunal shall decide the Application for condonation of delay on its own merits after giving opportunity of hearing to all the concerned to the said Application.

6 Writ Petition is allowed in the aforesaid terms.

(A.S. GADKARI, J.)