

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

WRIT PETITION NO. 1406 OF 2018

Chagan Sadashiv Jadhav & Ors.	...	Petitioners
V/s.		
Manisha Ramnath Bhandare & Ors.	...	Respondents

Mr.P.N. Joshi for Petitioners.
Mr.S.D. Rayrikar, AGP for Respondent Nos. 3 and 4-State.

CORAM : A.S. GADKARI, J.

DATE : 23rd August 2019.

P.C. :

1] By the impugned Order dated 25th July 2017, the respondent No.4 has refused to condone delay of 6 days in preferring an appeal by the petitioners under Section 16(2) of the Maharashtra Village Panchayat Act, 1959 on the ground that, it has no power to condone the said delay.

2] Heard Mr.Joshi, learned counsel for the petitioners and Mr.Rayrikar, AGP for the respondent Nos.3 and 4.

As per the note put up by the Registry, the respondent Nos.1 and 2 have been duly served through the bailiff. It further appears that, an advocate, namely, Mr.Akshay M. Gosavi has caused his appearance on

behalf of the respondent No.1. Despite service none appears for the respondent Nos.1 and 2.

3] The Division Bench of this Court in the case of *Sangitabai Vasudeo Rajput Vs. State of Maharashtra & Others*, reported in 2017 SCC Online Bom. 4369, has held that, the Additional Commissioner has power to condone delay in an appeal under Section 16(2) of the said Act, against the Order of Additional Collector.

In view of ratio laid down by the Division Bench in the case of *Sangitabai Vasudeo Rajput (supra)*, the impugned Order dated 25th July 2017 is hereby set-aside and the Appeal No.DB-545 of 2017 is restored to the file of the respondent No.4.

4] The respondent No.4 is directed to consider the application of the petitioners of condonation of delay, as per the ratio laid down by the Division Bench of this Court in the case of *Sangitabai Vasudeo Rajput (supra)*.

5] The petitioners are directed to appear before the respondent No.4 on 5th September 2019 at 3.00 pm.

6] Petition is allowed in the aforesaid terms.

[A.S. GADKARI, J.]