

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5114 OF 2016

(Shri Govinda s/o. Bharat Mahakal..vs.. Shri Uttam s/o. Narayan Mahakal and ors)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri A.M. Ghare, Advocate for petitioner.
Shri S.D. Chande, Advocate for respondent Nos. 1 & 2.
Smt. K.R.Deshpande, AGP for respondent Nos. 3 & 4.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 4th JANUARY, 2020.

1. The petitioner is aggrieved by the order dated 27.7.2016 passed by the Revisional Authority under section 23(2) of the Mamlatdar Courts Act, 1906, vide which, delay of one year in filing of the revisional proceedings by the respondents, has been condoned in a single sentence.

2. I have heard the learned Advocate for the petitioner, learned Advocate for respondent Nos. 1 & 2 and learned AGP on behalf of respondent Nos. 3 & 4. The Learned Advocate for respondent Nos 1 & 2 has vehemently supported the impugned order and prays for the dismissal of the petition.

3. It is well settled that the assigning of reasons in support of a judicial conclusion, is an essential indicator of application of mind. An order passed by an authority must contain reasons. It differs from person to person as to whether an order could be short or lengthy. However, an order condoning delay of one year can never be passed in a single

sentence which does not indicate application of mind or appreciation of contentions and averments of the parties.

4. In view of the above, this petition is allowed. The impugned order dated 27.7.2016 is quashed and set aside. Since the impugned order was stayed by this Court on 21.11.2016, the learned Advocate for the petitioner submits that the revisional proceedings have not progressed before respondent No. 3.

5. Considering the above, the application for condonation of delay bearing MCA-5/Manoli/26/2015-16, stands restored to the file of respondent No.3.

6. The litigating parties shall appear before respondent No.3 on 3.2.2020 at 3.00 p.m. in his office and thereafter abide by the dates of hearing on which the matter would be posted.

7. The litigating sides are at liberty to address respondent No. 3 by making their submissions. Written notes of submissions are also permitted. Needless to state, respondent No. 3 shall decide the application for condonation of delay by passing a reasoned order, as expeditiously as possible and in any case on or before 31.3.2020.

(RAVINDRA V. GHUGE, J.)