

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10988 OF 2021

SANJAY AJOBSING PATIL AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. U.R. Awate h/f. Talekar And
Associates

AGP for Respondent-State: Mr. S.W. Munde
Advocate for Respondent No. 4: Mr. K.C. Sant

.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 11th JULY, 2022

ORDER :

1. The petitioners are aggrieved by the order passed by Sub Divisional Officer, Amalner, dated 16.03.2020, thereby dismissing the revision filed by the petitioners in default. The petitioners by filing application requested for restoration of revision and hearing it on merits. Said application is also rejected by the Sub Divisional Officer by the impugned order dated 23.07.2021.

2. Heard the learned advocate for the petitioners, learned advocate for respondent No. 4 and learned Assistant Government Pleader for State.

3. Admittedly, the revision filed by the petitioners is dismissed as the petitioners were repeatedly seeking adjournment before Sub Divisional Officer. It is recorded in the impugned order that the petitioners or their advocate do not seem to be interested in conducting the matter. Application filed by the petitioners for restoration of revision is also rejected on the same ground. In both the impugned orders delay is attributed to the petitioners.

4. Taking into consideration the fact that the matter is not dismissed on merits and the petitioners should be given fair opportunity to contest the revision on merits, both the impugned orders cannot be sustained. Hence the following order:-

ORDER

1. The writ petition is allowed in terms of prayer clause 'B'.
2. The impugned order dated 16.03.2020 passed in Revision Application No. 16/2018 by Respondent No. 2 and order dated 23.07.2021 passed by Respondent No. 2 in restoration application, are hereby quashed and set aside.

3. The matter is remanded back to the Sub Divisional Officer, Amalner, for decision on merit.
4. The petitioners shall pay cost of Rs. 5,000/- to Respondent No. 4, before the Sub Divisional Officer.
5. The matter shall be heard expeditiously and decided within a period of two months from receipt of this order.

[NITIN B. SURYAWANSHI, J.]