

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

980 WRIT PETITION NO.6325 OF 2022

**TARABAI JAGANNATH KALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH COLLECTOR AND
OTHERS**

...
Advocate for Petitioner : Mr. Adinath B. Jagtap
AGP for Respondent – State : Mr. K. B. Jadhavar
Advocate for Respondent Nos. 5, 6 : Mr. Sagar Nandkishor,
Mr. Pahune Patil
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CORAM : ARUN R. PEDNEKER, J.

DATE : 30.08.2023

ORAL JUDGMENT :

1. Heard the learned counsel for the parties.
2. From the record, it appears that the applicant filed application under Section 23 of the Mamlatdars' Courts Act, before the revisional authority and the same was dismissed during Covid-19 (Pandemic) period for non appearance of the appellant herein.
3. The application for restoration was also dismissed on the ground that the authority has not power to restore the revision application.

4. The learned counsel for the respondent submits that he would have no objection for restoration of the appeal provided the appeal is disposed of within a period of three months from the date of receipt of this order before the authority.

5. In view of the same, Writ Petition is allowed. The order passed by the appellate authority dated 06.01.2022 and dated 17.09.2020 is set aside and the Appeal No. 1/2020 is restored to the file of Sub-Divisional Office, Ahmednagar.

6. The authority to decide the appeal within a period of three months from the date of appearance of the parties.

7. The parties to appear before the Collector on 11.09.2023, so as to enable the authority to fix the further date.

8. Writ Petition is disposed off accordingly.

(ARUN R. PEDNEKER)
JUDGE

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shp/-