

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

**939 CIVIL APPLICATION NO.9311 OF 2021
IN
CRAST/22527/2021**

PARBHANI CITY MUNICIPAL CORPORATION THR
COMMISSIONER PRADEEP GANPATRAO JAGTAP PARBHANI
VERSUS
SHAIKH ABDUL RAHIM SHAIKH HAMID AND ANOTHER

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Advocate for Applicant: Mr. Bora Satyajit S.
Advocate for Respondent No.1: Mr. Vishant P. Kadam

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CORAM: ARUN R. PEDNEKER, J.

DATE: 19th JUNE, 2023

PER COURT:

1. Heard.

2. Mr. Satyajit S. Bora, learned counsel for the applicant submits that after lawfully evicting the respondent from the applicant's land, the respondent filed the summary suit for declaration that he was evicted without following the due process of law. The suit was decreed.

3. Mr. Satyajit S. Bora, learned counsel for the applicant further submits that the learned Advocate for the applicant in the suit has failed

to inform the Corporation in time and thus there was delay. The learned counsel for the applicant further submits that the applicant had filed an appeal before the District Court and the same was rejected as it was not maintainable and the only remedy available is the Revision Petition for challenging the order of the Civil Court. The applicant has accordingly filed the present Revision Petition. The learned counsel for the applicant submits that the delay has occurred due to intervening factors. The delay is not deliberate.

4. Mr. Vishant P. Kadam, learned counsel appearing for the respondent submits that the delay should not be condoned as it is a public authority and that they have not diligently followed the matter.

5. Mr. Vishant P. Kadam, learned counsel for the respondent further submits that on account of this delay he is not able to execute the decree for the long period. In view of the same, there is

a case for dismissal of application for condonation of delay.

6. Since, it is the Corporation, a public body, holding public property, the interest of justice would be served by imposing some costs to condone the delay. The delay is condoned with costs of Rs.5,000/- to be paid to respondent no.1, within a period of four (04) weeks from today. The Civil Application is allowed and disposed of.

7. List this matter in the admission category, on 31.07.2023.

[ARUN R. PEDNEKER, J.]

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