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

WRIT PETITION NO. 1130 OF 2023

Shankar Laxman Pingale

..... Petitioner

Vs.

State of Maharashtra and Ors.

..... Respondents

Mr.Uday Nighot a/w Mr.Abhijeet B. Kadam for the Petitioner
Mrs.R.A.Salunkhe a/w Mr.P.P.Pujari, A.G.P. for the State

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : FEBRUARY 02, 2023

P.C.

1 The grievance of the Petitioner is that the Respondents are proceeding to decide the Appeal without deciding the Application for condonation of delay.

2 The Petitioner may file an Application before the Authority with regard to his contention. The Petitioner is at liberty to point out the legal proposition to the authority concerned. The authority is required to consider the position of law as would be pointed out to him regarding deciding the Application for condonation of delay before deciding the Appeal on merits. The authority may consider the contention of the Petitioner in that regard on its own merits after hearing all the parties.

3 Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)