

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Misc. Civil Application No.48 of 2023

In

Writ Petition No.5449 of 2022 (D)

SONALI SANDEEP PUDAKE VS THE STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Amol Mardikar, Advocate for the applicant/petitioner

Shri D.P. Thakre, AGP for the respondent Nos.1, 2 and 4

CORAM : ANIL S. KILOR, J.

DATED : 17.01.2023

1. Heard.

2. This is a review application, particularly, as regards the observations made by this Court, in paragraph No.8 of the judgment dated 05.01.2023 in Writ Petition No.5449 of 2022, which reads thus:

“8 I have perused the record and the impugned orders. From the order of respondent No.3-Chief Executive Officer, dated 02/06/2022, it is evident that though he recorded the submission of both the parties, i.e. the petitioner and respondent No.5 about delay in filing the objection. The limitation of 30 days is provided under the Government Resolution dated 13/08/2022, however, there is no finding recorded or there is no order as regards condoning the delay. It is also evident that though the application was filed by respondent No.5 for condonation of delay, no order was passed on the said application or even there is no mention of any such order in the operative part of the impugned order dated 02/06/2022.”

3. The learned counsel for the petitioner has placed a reliance upon the judgment of the Hon'ble Supreme Court of India, in the case of *Sakuru .. Versus Tanaji ..*¹, and judgment of the Division Bench of this Court in the case of *Satish Balaram Jadhav and others Vs. State of Maharashtra and another*², and points out that since the respondent No.3-Chief Executive Officer is not a Court, the respondent No.3 has no authority to condone the delay.

4. There is no dispute about the law laid down in the above referred judgments, however, the submission of the learned counsel for the petitioner, cannot be accepted that the observations, made in the paragraph No.8 of the judgment, are nothing but conferring jurisdiction upon the respondent No.3 to condone the delay.

5. It appears that the learned counsel for the applicant/petitioner has not interpreted the paragraph No.8 of the judgment, in right perspective. The observation only says that when the respondent No.3 has observed that the delay is caused in filing the objection, the respondent No.2 ought to have dealt with it as per law and should have also considered jurisdiction to entertain such prayer to condone the delay.

6. In the circumstances, I do not find any merit in the application, accordingly, it is **rejected**.

[ANIL S. KILOR, J.]
Digitally signed by NIRANJAN
DOMAJI THAWRE
Signing Date: 20.01.2023
14:51

1 (1985) 3 Supreme Court Cases 590

2 [2018(1) Mh.L.J. (Cri.) 589]