

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

WRIT PETITION NO.1070/2023

Ravindra Vitthalrao Meshram

...Versus...

The Joint Charity Commissioner, Amravati Region, Amravati and others

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

Court's or Judge's orders

Shri R.D. Karode, Advocate for petitioner
Shri N.R. Patil, AGP for respondent nos.1 and 2

CORAM : AVINASH G. GHAROTE, J.

DATE : 16/02/2023

1. Heard Shri R.D. Karode, learned counsel for the petitioner. The petition challenges the judgment dated 05/01/2023, passed by the learned Joint Charity Commissioner, Amravati whereby the delay of 162 days in preferring an appeal against the judgment and order passed on 11/01/2022 by the learned Assistant Charity Commissioner, Akola has been condoned.

2. Shri Karode, learned counsel for the petitioner takes exception to this order contending that the reasons given, are not supplemented by any material and therefore do not constitute sufficient cause under Section 5 of the Limitation Act.

3. In the instant case, it is not the position that the proceedings, are the personal proceedings of the respondent

no.3. The matter relates to the Trust and filing of the change report. The reasons given in the application at page 15, indicate that the respondent no.3 was not aware of passing of the judgment dated 11/01/2022 and acquired knowledge about it on 24/02/2022, on which date, he applied for certified copy, which was received by him on 22/04/2022 and the appeal came to be filed on 31/07/2022. It is material to note that the delay is not of such a quantum as to non-suit the respondent no.3, from filing appeal, challenging the judgment of the Assistant Charity Commissioner. Though ***Dilip Rambhau Wadal Vs. Bharti Pravin Parse 2021 (3) ALL MR 106*** has been relied upon, to contend that the delay could not be condoned, what is material to note is that in ***Dilip Wadal*** (supra) a finding was rendered by the Court that the stand taken was falsified by the material on record. That is not the position here. The principles regarding condonation of delay have been enunciated by the Hon'ble Apex Court in ***Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others (2013) 12 SCC 649 (para 21 and 22)***, considering which, I do not see any reason to interfere in the impugned order, condoning the delay of 162 days. The writ petition is dismissed. No order as to costs.