

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

Writ Petition No.5015/2021

Anant and another V Additional Commissioner, 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

Mr. Ankush Tirukh, Adv for petitioners.

Mr. Naval Sirka, Adv for resp. no.5.

Mrs. Barabde, AGP for resp. nos. 1 to 3.

CORAM : AVINASH G GHAROTE, J.

DATE : 17-04-2023

The petition challenges the order dated 27-05-16 by the SDO, whereby the application filed by the petitioner, for restoration of appeal no.RTC 59/Satkabad/7A/2013-14 (pg 30), has been rejected by the order dated 19-03-18 passed by the Additional Collector (Pg 37). Appeal against which has also been dismissed by the Additional Commissioner by order dated 31-8-2020.

2. Mr Tirukh, learned Counsel for the petitioner submits that though there is a delay in supplying the copy of the document to the respondents, the same have since been supplied and therefore the dismissal in default of the appeal on this ground needs to be set aside.

3. Mr. Naval Siraka, learned Counsel for

respondent no.5, does not dispute that the documents have been received by the respondent no.5, he however submits that because of this action on part of the petitioner huge delay has occasioned and the respondent no.5 has been much harassed. He therefore submits that substantial cost needs to be imposed upon the petitioner leaving all grounds available and open to the respondent no.5 and the cost being used for a genuine cause. The order dated 19-03-18 indicates that in spite of as many as 16 opportunities the petitioner did not supply the documents to respondent no.5 which has resulted in the present state of affairs. However, since the law requires, the lis to be decided on merits, it would be appropriate for the petitioner to grant an opportunity, however at the cost.

4. In view of which, the impugned order dated 27-05-16 passed by the SDO, order dated 19-3-18 by Additional Collector and order dated 31-08-20 by the Additional Commissioner are hereby quashed and set aside and the matter is remitted by back to the SDO for deciding according to law by taking into consideration all the objections which may be raised by the respondent no.5, subject to payment of costs of Rs 25,000/- to the High Court Bar Association Nagpur, to be utilized for the purpose of donating a High Speed Scanner to Taluka

Bar Association.

5. Accordingly, the petition is allowed in view of above terms.

JUDGE

Deshmukh