



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5649 OF 2023

Shashikant Ananda Padse

....Petitioner

VERSUS

Baburao Ananda Padse And Others

.....Respondent

.....

Advocate for the Petitioner : Mr. Barde Parag Vijay

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CORAM : S. G. MEHARE, J.

DATE : 25.01.2024

PER COURT :

1. Heard the learned counsel for the petitioner.
2. It is a unique petition, wherein the petitioner is seeking relief against the order which by conduct of the petitioner attained the finality. The petitioner wants to reverse a clock.
3. The respondent had preferred appeal with delay condonation application. The said application was allowed. The petitioner did not challenge the said order and proceeded ahead. The appeal of the respondent was dismissed. He preferred Second Appeal. It was allowed and remitted back. Now the petitioner, instead of challenging the order of remand, impugned the order of delay condonation.

4. By conduct, the petitioner had accepted the impugned order. However, since the matter was remanded, he woke up and came up to the Court impugning the order which was confirmed by the subsequent disposal of the appeal.

5. Till today, the petitioner did not challenge the order of the Collector, Jalgaon remitting the matter to the Sub Divisional Officer Erandol. Considering the date of the order of condonation of delay and subsequent disposal of the matter on merits, this Court is of the view that it is nothing but abuse of process of law. Such petition could not be entertained. Hence, the petition stands dismissed with costs of Rs. 5,000/- (Rupees Five Thousand) to be deposited with the District Court Bar Association Library Jalgaon within six weeks from today. Its receipt be produced before the learned Registrar (Judicial) of this Court.

(S. G. MEHARE)
JUDGE

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