

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CIVIL APPLICATION NO. 13240 OF 2016
IN RAST/22997/2016

Municipal Council Shahada Through Its Chief Office Nandurbar

VERSUS

Ramesh Jadhav Patel And Others

...

Mr. J.R. Shah - Advocate for Applicant

Mrs. S. N. Deshmukh - AGP for Respondent/State

Mr. Shrikant S. Patil – Advocate for Respondent No. 1

...

WITH

CIVIL APPLICATION NO. 13241 OF 2016 IN RAST/29610/2016

...

CORAM : R. G. AVACHAT
AND
NEERAJ P. DHOTE, JJ.

DATED : 11TH OCTOBER, 2024

PER COURT : -

CIVIL APPLICATION NO. 13240 OF 2016 : -

1. This is the Application for condonation of 776 days delay caused in preferring the Review Application for seeking review of the order dated 08.07.2014 passed by this Court in Writ Petition No. 10594 of 2010.

2. It is submitted by the learned Advocate for the Municipal Council Mr. J. R. Shah that the specific reasons have been mentioned in the Application. He submits that paragraph no. 6 in the Application

explains the reasons for delay in filing of the Application. He submits that the Application be allowed and the Review Application be heard on its own merits.

3. The Application is opposed by the learned Advocate for Respondent No. 1. He submits that the delay is exorbitant and when Respondent No. 1 filed Contempt Petition, this application has been filed. He submits that the reasons mentioned in the Application cannot be said to be sufficient to condone the delay.

4. Learned AGP for Respondent Nos. 2, 3 and 4 supports the Application.

5. We have perused the Application. Paragraph No. 6 of the Application wherein the reasons are given, is reproduced as under : -

“6. The application states and submits that, the clerk was looking after the present matter Shri. Manoj Jabulkar had died some times in November, 2014. The applicant further states and submits that, there was no regular Chief Officer and as such the Judgment and order passed by the Hon’ble High Court remained un notice for quite some time. The applicant states and submits that the Municipal Council received the communication from the office of Director Municipal Administration whereby it was directed to file appropriate petition for review. The applicant states and submits that, in the meantime the petitioner in Writ Petition had issued the notice dated 11/04/2010 for implementing the judgment and order passed by the Hon’ble High Court.”

6. In our considered view, the aforesaid reasons are sufficient to condone the delay. The Application is allowed in terms of prayer clause 'A'.

7. Review Application/Petition be registered in accordance with law.

CIVIL APPLICATION NO. 13241 OF 2016 : -

8. This is the Application for condonation of 776 days delay caused in preferring the Review Application for seeking review of the order dated 08.07.2014 passed by this Court in Writ Petition No. 10594 of 2010.

9. It is submitted by the learned AGP for the Applicants/State that the sufficient reasons are mentioned in the Application and same be allowed.

10. The Application is opposed by the learned Advocate for Respondent No. 1. He submits that the delay is exorbitant and when Respondent No. 1 filed Contempt Petition this application has been filed. He submits that the reasons mentioned in the Application cannot be said to be sufficient to condone the delay.

11. Learned Advocate Mr. J. R. Shah for Respondent No. 2 supports the Application.

12. We have gone through the Application.

13. In our considered view, the reasons mentioned in the Application are sufficient to condone the delay and, therefore, we allow the Application in terms of prayer clause 'B' thereof.

14. Review Application/Petition be registered in accordance with law.

REVIEW APPLICATION NOS. 22997/2016 AND 29610/2016 : -

15. Issue notice to the respondents, returnable on 18th November, 2024. Learned AGP waives service of notice on behalf of the State.

[NEERAJ P. DHOTE]
JUDGE

[R. G. AVACHAT]
JUDGE

Sg Punde