

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5716 OF 2024

Pravin Gajanan Thakur and Ors.

... Petitioners

Versus

Kalpana Virbhadra Raut and Ors.

... Respondents

.....

Mr. Rohit D. Joshi, Advocate for the Petitioners.

Smt. V. R. Raje, AGP for Respondent Nos. 4 and 5 – State.

CORAM : R. M. JOSHI, J.

DATED : 3rd SEPTEMBER, 2024.

P.C. :

1. Heard.

2. Learned counsel for the petitioners submits that Additional Collector, Raigad had committed error in passing impugned order whereby appeal filed by the petitioners against the order passed by S.D.O. for condonation of delay has been rejected on the ground that such appeal is not tenable.

3. Learned counsel is relied upon the Judgment of this Court in the case of *Balwant Narayan Thale Vs. Pushplata Vasudev Patil and Ors.* in Writ Petition No. 8673 of 2016 passed by this Court and in the case of *Kanchanbai w/o. Baburao Sukalkar Vs. Additional Commissioner, Aurangabad and Ors.* in Writ Petition No. 6966 of 2017 with Civil Application No. 2595 of 2019.

4. The order impugned before the Additional Collector was not of admission of appeal but condonation of delay and hence appellable. Thus, arguable case is made out by the petitioner, hence issue notice to the respondents, returnable on **1st October, 2024**.

5. There shall be stay to the proceeding before the S.D.O. till the next date of hearing.

(R. M. JOSHI, J.)

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