



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO. 2344 OF 2024

(Mrs. Raksha W/o Shailendra Kadu & Ors. **Vs.** Shri Swapnil S/o Nitin
Wankhade & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.D. Bhuibhar, Advocate for the Petitioners.
Mr. R.D. Karode, Advocate for the Respondent No.1.
Mr. Aalap Palshikar, AGP for the Respondent Nos. 2 to 6/State.

CORAM: N.R. BORKAR, J.

DATED : 9th JULY, 2024

Heard.

2. This Petition takes exception to the order dated 30.11.2023 passed by the Respondent No.2/State in Appeal-2021/Case No.37/J-9.

3. The learned Counsel for the Petitioners, submits that the aforesaid appeal was filed by Respondent No.1 and as there was delay in filing appeal an application for condonation of delay was filed. It is submitted that, without condoning delay, Respondent No.1, by the order impugned has allowed the appeal. It is submitted that, the order impugned therefore needs to be set aside and matter needs to be remanded back to Respondent No.2 for deciding it afresh.

4. Mr. Palshikar, learned AGP for the Respondent Nos. 2/State, was asked to take instructions from Respondent No.2. On instructions he submits that there was an application for condonation of delay and delay was not condoned.

5. The order impugned therefore cannot be allowed to stand. The order impugned is thus quashed and set aside and the matter is remanded back to Respondent No.2.
6. The parties shall appear before the Respondent No.2 on 29.07.2024.
7. The Respondent No.2, shall permit the Petitioners to file reply, to the application for condonation of delay.
8. The learned Counsel for the Respondent No.1, submits that permission be granted to Respondent No.1 to file documents, in support of the application for condonation of delay. Respondent No.2 shall permit Respondent No.1 to file documents in support of the application for condonation of delay.
9. The Respondent No.2, shall endeavour to decide the application for condonation of delay within a period of two months from the date of appearance of the parties.
10. The Petition is **disposed** of in the above terms. No costs.
11. Pending application/s, if any, shall stand disposed of accordingly.

(N.R. BORKAR, J.)