



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO. 11261 OF 2022

DATTA RAMAJI SHINDE AND ANOTHER
VERSUS
GOVINDLAL VITHALDAS MUNDADA DIED SIMA GOVINDLAL
MUNDADA AND OTHERS

Mr. A. N. Patale, Advocate for the Petitioners
Mr. R. B. Dhanure, AGP for the Respondent/State
Mr. V. A. Badadiya, Advocate for Respondent Nos.1 and 2.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 11th DECEMBER, 2025

P. C. :-

1. Heard learned counsel for the respective parties.
2. The petitioners are challenging the order dated 27.04.2022 passed by the Additional Divisional Commissioner, Aurangabad, whereby the application for condonation of delay filed by the petitioners came to be rejected.
3. Learned counsel for the petitioners submits that there was delay of 1 year 8 months and 29 days and the same was properly explained by the petitioners. He further submits that though the order was passed on 31.05.2017, the petitioners received a certified copies on 15.11.2017 and therefore, delay was not intentional.

5. Per contra, learned counsel for Respondent Nos.1 and 2 supports the order passed by the Additional Divisional Commissioner and submits that the delay was not properly explained.

6. Having considered the submissions advanced by both the learned counsel and having gone through the reasons stated in the application, I find that the petitioners have properly explained the delay. As the matter is not decided on merit, therefore to give an opportunity to contest the matter on merit, I am inclined to allow the petition by setting aside the order passed by the Additional Commissioner.

7. Hence, the petition is allowed. Order order dated 27.04.2022 passed by the Additional Divisional Commissioner, Aurangabad is quashed and set aside.

8. The Additional Divisional Commissioner, Aurangabad to register the appeal and proceed to decide the same in accordance with law.

(SIDDHESHWAR S. THOMBRE, J.)

ssp