



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6115 OF 2024

DNYANDEO MANIKRAO PATIL KADAM

VERSUS

**THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS**

...

Mr. Ramesh Vitthal Naiknavare, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

Mr. M. B. Kolpe, Advocate for Respondent No.4.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 16th JANUARY, 2026.

P.C.:-

1. The present Writ Petition takes exception to order dated 30.11.2023 passed by respondent no.3, thereby restoring Appeal filed by respondent nos.4 to 6, which was dismissed for want of prosecution.

2. Mr. Naiknavare, learned Advocate appearing petitioner would submit that Appeal filed by private respondents was dismissed for want of prosecution. They filed application dated 03.12.2016 seeking restoration of Appeal alongwith application for delay condonation. However, in absence of reasons for condoning inordinate delay of 7 months, respondent no.3 allowed application for condonation of delay and posted Appeal for hearing on merit.

3. Perusal of reasons recorded in order would show that Appeal was dismissed in default for non-removal of office objections. The respondent nos.4 to 6 were not aware about aforesaid order and on

29.11.2016 as soon as they received information regarding dismissal of Appeal they filed application. In this process delay is caused. The respondent no.3 recorded findings that reasons given for delay condonation are sufficient. This Court do not find any jurisdictional error in approach of respondent no.3 in passing impugned order.

4. Mr. Naiknavare would submit that very Appeal filed by respondents is not maintainable in law. The petitioner shall be entitled to raise such objection before concerned authority, which can be independently decided. However, since in present Writ Petition challenge is to order of delay condonation and restoration of Appeal, this Court would not delve into merits of contentions regarding maintainability of Appeal itself.

5. With these observations, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE