

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION**

49 WRIT PETITION NO. 11330 OF 2025

DASHRATH SURESH KHATAL AND ANOTHER
VERSUS
GUNDA P KHATAL THR ITS LEGAL HEIRS RAMCHANDRA GUNDA KHATAL
AND OTHERS

...
Advocate for Petitioners : Mr. Ramdas Shelke a/w Mr. Nikhil Dharmadhikari
& Mr. Vaishnavi Shelke i/by Mr. Hanmant G. Wakshe
Advocate for Respondents : Mr. Ranjeet H. Patil

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CORAM : SHAILESH P. BRAHME, J.

DATE : 15.06.2026

PER COURT :

Heard both sides finally.

2. Being aggrieved by the order dated 05.08.2025 condoning delay of one year and five months, petitioners have approached this Court under Article 227 of the Constitution of India.

3. It is submitted by the learned counsel for the petitioners that the impugned order is cryptic, unreasoned and perverse. The grounds for condonation of delay are specifically refuted by filing say to the application, however, those are not dealt with.

4. Learned counsel for the respondents would support the impugned order. My attention is adverted to paragraph nos. 4 and 5 of the impugned order, which would disclose that all aspects of the matter have been dealt with. It is submitted that sufficient grounds were mentioned for condonation of delay and the learned Commissioner applied mind and adopted a pragmatic approach in condoning the delay.

5. I have gone through impugned order. Its paragraph no. 4 is the gist of the application for condonation of delay and it cannot be termed as the reasons for condonation of delay. Its paragraph no. 5 reflects the reasons. Application for condonation of delay would disclose various grounds enumerated in paragraph nos. 2 to 6. Those are contested by filing say.

6. Impugned order does not reflect consideration of specific grounds of condonation of delay and reply of the petitioners. There is reason to infer that learned Commissioner did not apply mind when parties have come with specific grounds for condonation of delay. The authority was obliged to deal with those grounds. Impugned order is cryptic and unreasoned.

7. The Writ Petition is disposed of by quashing the impugned order and relegating the parties to the Additional Commissioner Pune Division, Pune to decide the application for condonation of delay bearing No. 250/2024 afresh after extending an opportunity of hearing to the parties, which shall be decided within four months from today, after taking into account entire material placed on record.

8. Parties shall apprise the learned Commissioner as it is informed that the matter is posted tomorrow.

9. Needless to mention that all issues are kept open.

(SHAILESH P. BRAHME, J.)

mkd/-