

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2996 OF 2026**

Sadguru Saibaba Seva Trust & Anr.Petitioners

Versus

State of Maharashtra & Anr.Respondents

Dr. Uday Warunjikar a/w. Mr. Jenish Jain and Ms. Isha Hazare i/b.
Mr. Sumit Kate for the Petitioners.

Mr. P.P. Kakade, Addl. GP a/w. Ms. Nisha Mehra, AGP for
Respondent No.1.

Mr. Onkar A. Wable i/b. Mr. Milind Deshmukh for Respondent
No.2.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 13th MARCH, 2026

P.C. :-

1. This matter was heard for some time on 11th March,
2026 and posted today.

2. The record reveals that the Second Appellate Authority,
while dealing with Misc. Application No.11 of 2025 seeking
condonation of delay, ended up passing a final order on the main
Second Appeal No.6 of 2026 on 16th February 2026, in the backdrop
of the Petitioners' written reply opposing the said application for

condonation of delay.

3. The learned Addl. GP submits, on instructions, that this lacuna needs to be corrected and the matter needs to be remanded. The learned Advocate for Respondent No.2, who is a beneficiary of the impugned order passed under fortuitous circumstances, also submits on instructions, that the matter may be remitted back to the Authority so as to hear the parties afresh on the condonation of delay aspect. If the delay is condoned, thereafter the Authority can proceed to decide the main Second Appeal.

4. In view of the above, **this Petition is partly allowed.** The impugned order dated 16th February, 2026 is quashed and set aside. Misc. Application No.11 of 2025 is restored to the file of Respondent No.1.

5. All the parties who are before us as stakeholders, would appear in his office on 26th March, 2026 at 12 noon. Individual notices are dispensed with as there are no other stakeholders. The parties are at liberty to tender their written notes on the application

for condonation of delay. Once the hearing is concluded, Respondent No.1 shall pass a reasoned order on or before 21st April, 2026. If the delay is condoned, the parties are left to further remedies as may be available in law. If there is no challenge to the condonation of delay, the Authority would then commence the hearing on the main Second Appeal.

6. To enlighten all the parties, we record that we have not delved into the merits of the rival claims of the parties, either on condonation of delay or on the main Second Appeal.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)