

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8233 OF 2014

ASARAM S/O DEORAO TALEKAR
AND ANOTHER

PETITIONERS

VERSUS

RAMKARNABAI W/O BHANUDAS TALEKAR

RESPONDENT

Mr.A.G.Godhamgaonkar, Advocate for the petitioners.
Mr.S.B.Solanke, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 22/12/2014

PER COURT :

1. Learned Advocate for the respondent has pointed out Section 247(1) of The Maharashtra Land Revenue Code, 1966. Contention is that the impugned order of condoning delay dated 16/08/2014 has been passed by the Sub Divisional Officer (Revenue), Aurangabad, thereby condoning the delay. He submits that for challenging the order passed by the Sub Divisional Officer, a statutory remedy is available u/s 247(1). He clarifies that unless there is an express prohibition or a provision to the contrary, an appeal shall be maintainable u/s 247 of The Maharashtra Land Revenue Code, 1966.

2. Learned Advocate for the petitioners, on instructions, seeks leave to withdraw this petition so as to avail the remedy of appeal

u/s 247 of the M.L.R.Code.

3. In the light of the above, this petition is dismissed as withdrawn. Needless to state, the time spent in the pendency of this petition from 09/09/2014 till the date of this order, shall be a ground in support of the application for condonation of delay, if any, which the petitioners may file, if required.

4. The petitioners state that the appeal would be filed within 2 (two) weeks from today. In the light of the said statement, the respondent shall not insist upon a hearing in the proceedings pending before the S.D.O.Aurangabad pursuant to the passing of the impugned order, for a period of 2 (two) weeks from today.

(RAVINDRA V. GHUGE, J.)