

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1235 OF 2015

Vilas Nana Mohite, since deceased
by LRs. Smt. Shantabai V. Mohite & Ors. ..Petitioners
VS.
Bapu Nana Yadav & Ors.. ..Respondents

Mr. M. L. Patil for Petitioners.
Mr. Mahindra Deshmukh for Respondent No. 2A.

CORAM : M. S. SONAK, J.
DATE : 18 FEBRUARY, 2015

P.C. :-

- 1] The petitioners revision petition no. 104 of 1989 was dismissed as having abated on 3 June 2013.
- 2] On 31 July 2013, the petitioners has taken out a civil application seeking setting aside of abatement and restoration of revision petition. Pending such application, the petitioners applied for a stay on the execution of the order impugned in the present petition.
- 3] This Court, in its order dated 5 February 2015 as recorded the circumstances in which the application for stay was not entertained or no orders were made thereon.
- 4] The learned counsel for the respondent no.2A points out that there was delay of almost ten years in bringing on record the legal heirs of deceased sole revisional applicant before the Tribunal. The

learned counsel also points out that for a period of almost thirty two years, the respondents have been deprived of the fruits of the orders made in their favour by the authorities.

5] Taking into consideration the aforesaid circumstances, it is proper that the MRT is directed to dispose of the petitioners application for setting aside abatement, restoration etc. within a period of four weeks from today. In the meanwhile, the order impugned in the revision petition shall remain stayed. The petitioners shall not delay the proceedings before the MRT for any reason.

6] The Tribunal to decide the application for restoration etc. on its own merits and in accordance with law. If however the Tribunal decides to restore the revision petition, then the Tribunal is directed to dispose of the same on merits within a period of two months from the date of restoration.

7] It is made clear that this Court has not examined the matter on merits. Therefore all issues and contentions are open for decision by the MRT.

8] With the aforesaid observations, the present petition is disposed of.

(M. S. SONAK, J.)