

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4334 OF 2015

Dinkar Kesu Pisal, since deceased
through L.Rs. D. D. Pisal & Ors. .. Petitioners
VS.
Ramchandra N. Pisal, since deceased
through L.Rs. S. R. Pisal & Ors. .. Respondents

Mr. S. S. Suryawanshi for Petitioners.
Mr. Dilip Bodake for Respondent Nos. 1a to 1d and 2.
Mr. S. D. Rayrikar -AGP for Respondent Nos. 3 and 4.

CORAM : M. S. SONAK, J.
DATE: 22 DECEMBER 2015

P.C. :-

1] The order impugned in this petition has been made by the District Superintendent of Land Records, Sangli, under the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act 1947 (said Act). As against the order of this nature, by which, the District Superintendent has condoned the delay, a revision will lie in terms of Section 35 of the said Act. There is no merit in the submission of the learned counsel for the petitioners that revision lies only against a final order and not an order by which delay in institution of the appeal has been condoned. If the provisions of Section 35 are perused, then revision lies against '*any order*' and there is no distinction made between final order or an interlocutory order.

2] Further, even assuming that the impugned order has been made under the provisions of the Maharashtra Land Revenue Code, even in that case also statutory alternate remedies are available to the petitioners. Accordingly, there is no reason to entertain the present petition.

3] However, liberty is granted to the petitioners to adopt appropriate remedy in the matter. The period spent by the petitioners in this Court may also be taken into consideration, by such authority, in case there is, any delay in the matter of availing of such alternate remedy. This shall be subject to the petitioners availing alternate remedy within a period of eight weeks from today.

4] With the aforesaid observations and liberty, this petition is disposed of.

(M. S. SONAK, J.)