

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7866 OF 2014

Sampat Jagu Bhosale

(since deceased through L.H)

Sitaram S. Bhosale and ors..

.. Petitioners

vs.

Kiran K. Kharat and ors.

.. Respondents

Mr. R.V. Bansode for the Petitioners.

Mr. V.S. Kapse a/w. Shailesh Chavan for Respondent Nos.1 to 4.

Mr. S.D. Rayrikar, AGP for Respondent Nos.6 to 10

CORAM : M. S. SONAK, J.

DATE : 13 FEBRUARY , 2015

P.C. :-

1] The challenge in this petition is to the order dated 15 May 2014 made by the District Superintendent Land Record, Satara (DSLRL) condoning the delay in making an application for mutation in the land records.

2] Learned counsel for the petitioners submits that the delay in the present case is of more than 37 years and the respondents had not even made any application seeking condonation of delay.

3] Learned counsel for the respondent Nos.1 to 4, however points out that an affidavit was filed alongwith an application seeking mutation in which the delay was explained.

4] The records indicate that the affidavit filed by the respondents explaining the delay has itself been considered as an application for condonation of delay. At least *prima-facie* there can be no objection to such a course which was adopted. This is because the petitioners also filed a response to the said affidavit and disputed the cause shown.

5] Learned counsel for the petitioners thereafter pointed out that even on merits, no case was made out by the respondents for condonation of delay.

6] Rather than go into this issue at this stage, it will be appropriate if the District Superintendent Land Records, Satara, who has by the impugned order condoned the delay, proceeds further and decide the respondents' application for mutation on its own merits. If the result is adverse to the petitioners, the petitioners can always file an appeal against the final decision before the Appellate Authority provided under the Maharashtra Land Revenue Code, 1966. In such an appeal, the petitioners shall be entitled to reserve their liberty to make submissions on the aspect of condonation of delay as well. The impugned order, would then be regarded as having merged with the final order. In the appeal, which the petitioners may institute, the petitioners are granted liberty to raise all the grounds, including the grounds that no case was made out for condonation of delay.

7] It is clarified that this Court has not expressed any opinion on the merits of the matter.

8] All contentions of either parties are kept open.

9] With the aforesaid observations, this petition is disposed of.

(M. S. SONAK, J.)