

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.1121 OF 2015

IN

CIVIL APPLICATION NO.2208 OF 2012

IN

WRIT PETITION NO.3915 OF 1997

Krishna Bhikaji Gawade

.. Applicant

(Org. Petitioner)

Versus

Mr. Krishna Tukaram Nagvekar and others

.. Respondents

(Org. Respondents)

Mr. Sanskar Marathe, for the Applicant (Org. Petitioner).

Mr. B. G. Tangsali, for the Respondent Nos.20 to 22.

CORAM : R.M. SAVANT, J.

DATE : 11th JUNE, 2015

PC.

1. The Civil Application has been filed for restoration of the above Petition which was dismissed for non-prosecution in view of the conditional order dated 11.06.2013 passed by the Learned Registrar, Judicial-I of this Court. The said order became operative in view of the fact that there was non-removal of office objection in respect of service on the Respondents in the above Petition. The above Petition has been filed in the year 1997 and has been pending admission since then. There are a host of

Respondents i.e. numbering about 36 and except Respondent Nos.20 to 22, the rest of the Respondents have not been served. The Petitioner takes exception to an order passed by the Maharashtra Revenue Tribunal rejecting the Revision Application filed by the Petitioner against the order passed by the Sub Divisional Officer under Section 70(b) of the Bombay Tenancy and Agricultural Lands Act declaring the Respondent Nos.12 to 23 as tenants of the land in question. There is therefore, a concurrent finding against the Petitioner who claims to be the landlord in respect of the declaration of tenancy in favour of the Respondent Nos.12 to 23. The record discloses that the above Petition was dismissed for non-prosecution earlier by a Learned Single Judge by order dated 30.06.2008, but thereafter restored and again dismissed on account of the conditional order passed by the Learned Registrar, Judicial-I of this Court. In my view, in the aforesaid facts, no indulgence can be shown to the Petitioner, who has filed the instant application for restoration belatedly that is after a period of about two years. The Civil Application is accordingly rejected.

[R.M. SAVANT, J]