

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3911 OF 2012**

Smt. Subhadrabai Madhukar Gurav and others .. Petitioners

Versus

Mr. Dhondiba Babu Shivekar and others .. Respondents

Mr. Jaydeep Deo, for the Petitioner.

CORAM : R.M. SAVANT, J.

DATE : 29th JULY, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order passed by the Maharashtra Revenue Tribunal dated 04.10.1979. Since the challenge is raised to an order passed as long back in the year 1979, the Petitioner was asked to explain the delay in filing the above Petition. The Petitioner has accordingly amended the Petition and incorporated paragraphs 10 and 11 in the Petition.

2. In paragraph 10, it has been stated that the Revision Applicant who had filed the Revision in which the order dated 04.10.1979 passed expired in the year 1994. It is further stated that the Petitioner's son Mr. Dilip Madhukar Gurav was murdered on 22.06.2008 and that the Petitioner was involved in the Sessions trial, which took place in respect of the said murder. It is further stated that the Petitioner had filed RCS No.635 of 2008 against the person who was declared as a tenant. The said suit came to be dismissed. Pursuant to which the Petitioner has filed an

Appeal in the District Court which Appeal is pending. In paragraph 11, it has been stated that the Petitioner has a good case on merits and has sanguine hopes of succeeding in the above Petition.

3. The question that is therefore posed is whether the above Petition challenging an order passed by the MRT as long back in the year 1979 is required to be entertained. No doubt, the events which have been mentioned in paragraph 10 do not make happy reading and it is unfortunate that they have taken place. However, the said events or the facts mentioned in paragraph 10 cannot justify the huge delay i.e. between the year 1979 to 2012 when the above Petition is filed. The Revision Applicant i.e. husband of the Petitioner died in the year 1994 i.e. a good 15 years after the order passed by the MRT and much prior to the demise of the son of the Petitioner. It is required to be noted that the Petitioner was prosecuting other civil proceedings and therefore, can be said to be a person well aware of the fact that the order passed by the MRT was required to be challenged. In my view, the case set out in paragraphs 10 and 11 cannot be said to constitute good and sufficient cause for entertaining the above Petition at this length of time. The Petition therefore suffers from delay and laches and is accordingly dismissed on the said ground.

[R.M. SAVANT, J]