

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 166 OF 1993

Smt. Sushilabai S. Rajadnaye

.. Petitioner

VS.

Rangrao K. Bhosale and ors.

.. Respondents

Mr. Govind Solanke i/b Mr. Pratap Patil for the Petitioner.

Mr. Tejpal Ingale for Respondent Nos.2-A to 2-D, 2-BI to 2-BV

CORAM : M. S. SONAK, J.
DATE : 16 JANUARY, 2015

P.C. :-

1] Leave to amend by way of placing on record the full text of the order dated 2 July 1992 made by the Maharashtra Revenue Tribunal, Kolhapur (MRT). Amendment to be carried out forthwith.

2] This petition is directed against the judgment and order dated 2 July 1992, whereby the MRT refused to condone the delay of 126 days in filing the revision application. In doing so, the MRT had adopted an unduly technical and pedantic approach. The delay in present case, in filing revision application, was of about 126 days. The reasons set out in the application seeking condonation of delay was that the order against which revision application has to be filed was actually received by the petitioner only on 24 April 1991. Thereafter, the petitioner was sick due to High Blood Pressure and therefore, unable to either raise funds or contact his advocate. In support of such plea, three Medical Certificates were also produced. In my judgment, all this material was more than sufficient to

condone the delay of 126 days. Instead, the MRT has proceeded to virtually dissect each of the Medical Certificates and observe that the same contradict each other and therefore are not worthy of any confidence. This approach is clearly incorrect. It was not even the case of the respondents that the Medical Certificates were either got up or fabricated documents. In any case, the MRT was not at all justified in such dissection of the views expressed by the Medical Experts and to conclude that there was some sort of contradictions.

3] In the aforesaid circumstance, the impugned order dated 2 July 1992 is hereby set aside. The petitioner's revision application is restored to the file of MRT and the MRT is directed to dispose of the same on merits and in accordance with law as expeditiously as possible and in any case within a period of one year from the date of this order.

4] Parties to appear before the MRT on 2 February 2015 at 11.00 a.m. alongwith an authenticated copy of this order, so as to obtain appropriate date for hearing / disposal of the revision application.

5] Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

(M. S. SONAK, J.)