

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4665 OF 2015

Shri. Santosh Mahadev Chamber @
Chindarkar and ors.

.. Petitioners

vs.

Vasant K. Mahadeswhar and ors.

.. Respondents

Mr. Milind Parab for the Petitioners.

Mr. S.D. Rayrikar, AGP for Respondent No.4 .

CORAM : M. S. SONAK, J.

DATE : 7 DECEMBER 2015.

P.C. :-

1] The learned counsel for the Petitioners states that the service has been effected upon the Respondent No.1, who is contesting Respondent. By order dated 29 June 2015, the parties had been put to notice that the petition will be heard and disposed of finally, at the stage of admission.

2] The Petitioners, despite afford of opportunity by the Maharashtra Revenue Tribunal (MRT), chose not to amend the application seeking condonation of delay and offer proper explanation for the delay. On this ground, the MRT has dismissed the application for condonation of delay.

3] The MRT is right that the period of limitation was running from the date of order. The date of knowledge may be relevant for the purposes of explaining the delay. In these circumstances, the Petitioners should have availed the afford of opportunity for amendment and filing of additional affidavit explaining the delay.

4] However, it would be appropriate, if yet another chance is granted to the Petitioners in the matter. The Petitioners are accordingly granted leave to amend the application seeking condonation of delay as well as the memo of revision petition. Necessary amendment to be carried out within a period of four weeks from today. The Petitioners are also granted liberty to file additional affidavit explaining the delay as calculated from the date of the order impugned in this petition. Such affidavit to be filed within a period of four weeks from today.

5] In order to enable the Petitioners to do so, the impugned order dated 24 March 20015 is hereby set aside and the matter is restored before the MRT, but the view taken by the MRT is, however, approved. Only, an additional opportunity is granted to the Petitioners to adopt the course suggested by the MRT.

6] The MRT to consider the amended application for condonation of delay as well as the additional affidavit and thereafter decide the same, in accordance with law and on its own merits.

7] The parties to appear before the MRT on 15 December 2015 at 11.00 a.m. and produce the authenticated copy of this order.

8] With the aforesaid observations, this petition is disposed of. There shall, however, be no order as to costs.

(M. S. SONAK, J.)

dinesh