

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11446 OF 2014

Jayraj Devidas & Ors.	..	Petitioners
VS.		
Kumar Pandurang Mere & Ors.	..	Respondents

Mr. A. R. Shaikh for Petitioners.

Mr. Ashutosh Gole i/b. Mr. Girish Paryani for Respondent Nos. 1 to 4.

CORAM : M. S. SONAK, J.
DATE : 23 FEBRUARY, 2015

P.C. :-

1] Rule. With the consent of and at the request of the learned counsels for the parties, Rule is made returnable forthwith.

2] This petition challenges order dated 28 November 2014 made by the Maharashtra Revenue Tribunal (MRT) condoning delay of almost eleven years in the respondents instituting the revision petition.

3] If the impugned order is perused, it would appear that the MRT has addressed itself more to the merits of the issues raised in the revision petition than to the merits involved in the application seeking condonation of delay. Merits of the case urged by a party,

may be one of the relevant considerations, however the same, can by no means be the sole consideration. The MRT, consequently had to address itself on the issue as to whether sufficient cause was shown by the respondents in instituting the present petition, eleven years beyond the prescribed period of limitation.

4] For this short reason, the impugned order is liable to be set aside. The matter will have to be decided afresh by the MRT.

5] The learned counsel for the respondents made attempt to satisfy this Court that in the facts and circumstances of the present case there was sufficient cause for condonation of delay. It is not possible to decide the application for condonation of delay, at this stage, in the first instance. Since the matter is now being remanded for a fresh consideration by the MRT, the respondents shall be at liberty to either amend their application seeking condonation of delay, or to file a supplementary affidavit in support of their application for condonation of delay.

6] The MRT is directed to reconsider the application for condonation of delay as also any amendments thereto or supplementary affidavit in support thereof, in accordance with law and with expedition.

7] The MRT is directed to dispose of the application seeking condonation of delay within a period of two months from today.

8] It is made clear that this Court has not expressed any opinion on the merits of the matter or for that matter merits of the application seeking condonation of delay. All issues and contentions are left open for decision by the MRT.

9] The learned counsels for the parties inform this Court that the next date fixed before the MRT is 25 February 2015. Accordingly, the parties to appear before the MRT on the said date and thereafter obtain suitable directions with regard to reconsideration of application for condonation of delay.

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

11] All parties to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)