

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

WRIT PETITION NO.3939 OF 2014

(Vijay s/o Nemrao Kamble ..vs.. Atmaram s/o Nama Lonare and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 30-09-2015

Heard Shri M.K. Mishra, learned Advocate for the petitioner and Shri A.M. Deshpande, learned Assistant Government Pleader for the respondent No.2.

None appears for the respondent No.1.

2. The respondent No.1 has filed revision under Section 257 of the Maharashtra Land Revenue Code, 1966 which is pending before the Divisional Commissioner, Nagpur. During the pendency of the revision, Sau. Anusuya Nemrao Kamble, who was the non-applicant in the revision, died. The respondent No.1 filed an application for bringing the legal representatives of Sau. Anusuya Nemrao Kamble on the record. As there was delay in filing the application, the respondent No.1 filed an application praying for condonation of delay. The learned Divisional Commissioner, by the impugned order, has condoned the delay and allowed the application filed by the respondent No.1 seeking permission to bring on the record the legal representatives of Sau. Anusuya Nemrao Kamble. The

petitioner, who is one of the legal representative of Sau. Anusuya Nemrao Kamble, has filed this petition.

3. Though the learned Divisional Commissioner has condoned the delay and allowed the application permitting the respondent No.1 to bring on the record the legal representatives of Sau. Anusuya Nemrao Kamble, without considering the contentions of the respective parties and without recording any reasons, I find that the the respondent No.1 has explained the circumstances because of which there was delay in filing the application for bringing the legal representatives of Sau. Anusuya Nemrao Kamble on the record. The respondent No.1 has explained the steps taken by him in the matter, in details in paragraph Nos.3 to 8 of the application praying for condonation of delay in filing the application for bringing the legal representatives on the record. Considering the explanation given by the respondent No.1, I find that the respondent No.1 was prevented by sufficient cause and he could not file the application earlier.

4. In view of the above, I am not inclined to interfere with the order passed by the learned Divisional Commissioner condoning the delay and permitting the respondent No.1 to bring the legal representatives of Sau. Anusuya Nemrao Kamble on the record.

5. The petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

pma