

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

WRIT PETITION NO.6064 OF 2013

(Omprakash s/o Narsinghdas Sarda ..vs.. The Member, Nagpur Bench of the Maharashtra Revenue Tribunal, Mumbai Commissionerate, Nagpur and others)

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 : 08-06-2015

Heard Shri V.G. Bhamburkar, the learned
Advocate for the petitioner.

None appears for the respondents.

2. The petitioner has challenged the order passed by the Maharashtra Revenue Tribunal, rejecting the application praying for condonation of delay in filing the revision.

3. The petitioner had filed proceedings under Section 120 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958, which came to be dismissed by the Sub-Divisional Officer. The order passed by the Sud-Divisional Officer came to be challenged by the petitioner before the Maharashtra Revenue Tribunal in revision. There was delay of about 914 days in filing the revision and therefore, an application praying for

condonation of delay came to be filed. The Tribunal has rejected this application and has consequently dismissed the revision filed by the petitioner.

The petitioner being aggrieved by the order passed by the Tribunal, has filed this writ petition.

4. In the application praying for condonation of delay, the petitioner stated that he was under the bonafide impression that the order passed by the Sub-Divisional Officer is required to be challenged before this Court in writ petition for which no limitation is prescribed and therefore, he had not taken steps immediately to challenge the order passed by the Sub-Divisional Officer. It is submitted that when he approached the Advocate at Nagpur, he was told that the order passed by the Sub-Divisional Officer is required to be challenged in revision before the Tribunal and accordingly the revision came to be filed. It is further stated that the petitioner could not challenge the order passed by the Sub-Divisional Officer earlier because of financial problems.

5. The explanation given by the petitioner cannot be said to be "sufficient cause" on the basis of which the inordinate delay of 914 days in filing the revision can be condoned. The Tribunal has properly appreciated the material on the record and has rightly concluded that the petitioner has not made out any case for condonation of

delay. I find that the order passed by the Tribunal is proper and does not require any interference.

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

JUDGE

pma