

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8628 OF 2014

Saroj Tukaram Patil and Ors.] ... Petitioners

Versus

Maruti Hari Patil.] ... Respondent

Mr. Anilkumar K. Patil for Petitioners.

CORAM :- M. S. SONAK, J.
DATE :- JANUARY 13, 2016

P. C. :-

1. The challenge in this petition is to the order dated 08/05/2014 made by the Additional Commissioner, Konkan Division, allowing the revision petition instituted by the respondent and holding that the petitioners have failed to show sufficient cause in the matter of condonation of delay of 11 years in instituting the appeal and further, since the civil suit instituted by the petitioners is already pending, there was no reason to disturb the entries in the revenue record.

2. Mr. Patil, learned Counsel for petitioners, submitted that the Collector having exercised discretion in a positive manner and having condoned delay, there was no reason for the Additional

Commissioner to interfere with the exercise of such discretion. Mr.Patil further submitted that on merits, there was no ground for effecting any mutation and deleting the names of the petitioners from the revenue record.

3. Having heard the learned Counsel for petitioners and perused the record, there is no reason to interfere with the impugned order. In the first place, the delay of 11 years was inordinate and the Additional Commissioner has held that there was no satisfactory explanation in that regard. That apart, the petitioners have already instituted a civil suit and further, even obtained certain interim orders therein. The matter pertains to entries in revenue record. It is settled position of law that mere entries in revenue record are not determinative of title of a party to the property in question. This is, an additional reason not to entertain the present petition.

4. However, it is made clear that the civil suit instituted by the petitioners may be disposed of by the Civil Court on its own merits and in accordance with law without in any manner being influenced by any order made by the Revenue Authority or the circumstance that this petition is not being entertained by this Court. All contentions of all parties are left open to be adjudicated by the Civil Court.

5. With the aforesaid observation, this petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)