

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11016 OF 2013

Shri.Mahmad Yusuf Ramjan & Anr. ..Petitioners
V/s.
Sakharam Laxman Patil & Ors. .. Respondents

**WITH
WRIT PETITION NO.11017 OF 2013**

Shri.Mahmad Yusuf Ramjan & Anr. ..Petitioners
V/s.
Shri.Bhau Sadu Kene & Ors. .. Respondents

Mr.Atul G. Damel for the petitioners.
Mr.Sanjay S. Patil for Respondent Nos.1A to 1F in
WP No.11016 of 2013 and Nos.1 to 4 in WP No.11017/13.
Mr.Hemant Ghadigaonkar for Respondent Nos.2 to 10D in
WP No.11016/13 and Respondent Nos.15 to 23 in
WP No.11017/13.

**CORAM : M.S. SONAK, J.
DATE : 18th APRIL, 2016.**

P.C.

1. Rule, in both these petitions. With the consent of
and at the request of the learned counsel for the parties rule is
made returnable forthwith.

2. The learned counsel for the parties state and agree
that common issues of law and fact arise in both these petitions

and therefore, both these petitions are disposed of by common judgment and order.

3. The challenge in both these petitions is to the impugned order dated 07-03-2013 by which the Maharashtra Revenue Tribunal (MRT), Mumbai has declined to condone delay in instituting Revision Application before itself.

4. Having heard the learned counsel for the parties and perusing the record I am satisfied that this is a fit case to interfere with the impugned orders and condone the delay in instituting the Revision Petition, which delay was hardly of 20 days. It appears that the MRT, has mistakenly treated the delay as being of 43 years or thereabouts. This is clearly an error apparent on the face of record.

5. The record indicates that the petitioner had instituted two appeals before the SDO to impugn the orders made by the Awal Karkoon (A.K.) dated 31-03-1965. In institution of such appeals, there was delay of about 43 years.

The SDO, by orders dated 28th September 2012 has dismissed the said appeals, inter alia on merits. The revision petitions instituted by the petitioners along with application seeking condonation of delay, were instituted hardly 20 days beyond the prescribed period of limitation. Therefore, at this stage, the MRT was required to take into consideration as to whether there was sufficient cause for condonation of delay of 20 days or thereabouts in instituting the two Revision Petitions. At this stage, there was no question of reference to 43 years delay in the matter of institution of the appeal before the SDO. Accordingly, the impugned orders dated 07-03-2013 made by the MRT are hereby set aside. Taking into consideration the cause shown in the application seeking condonation of delay of 20 days for institution of the Revision Petitions, such delay is hereby condoned.

6. The Revision Petitions instituted by the petitioner are therefore, restored to the file of the MRT and the MRT is requested to dispose of the same in accordance with law and on their own merits. All contentions of all parties are specifically

left open to be decided by the MRT.

7. The MRT is further requested to dispose of the Revision Application Nos.109 of 2013 and 110 of 2013 as expeditiously as possible and in any case within a period of six months from the date of production of the authenticated copy of this order.

8. The petitioners to pay cost of Rs.5,000/- in each of the two petitions i.e. total cost of Rs.10,000/- to the respondent no.1 in each of the petitions. Such cost to be paid within a period of two weeks from today. Parties to appear before the MRT on 06th May 2016 at 11.00 a.m. and to produce an authenticated copy of this order.

9. Rule is made absolute to the aforesaid extend in each of the petition. All concerned to act on authenticated copy of this order.

(M.S. SONAK, J.)