

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

WRIT PETITION NO. 7684 OF 2015

Sopan Raghunath Kale,
deceased through his legal heirs
Smt. Sushama Sopan Kale and
Ors.

..Petitioners.

Vs

The State of Maharashtra and
Ors.

.. Respondents

Mr. Rupesh A. Zade, Advocate for Petitioners.
Ms.Vaishali Nimbalkar, A.G.P. for Respondents no.1 and 2.

CORAM : R.G.KETKAR,J.
DATE : 25/04/2017

PC:

1. Not on Board. At the request of Mr.Zade, taken up in production board. Heard Mr. Rupesh Zade, learned counsel for the petitioners and Ms. Vaishali Nimbalkar, learned A.G.P for respondents no. 1 and 2.

2. Mr. Zade submitted that the petitioners have challenged the order dated 3.3.2015 passed by Deputy Director of Land Records and Consolidation Commissioner, Pune. He submitted that against this order, the petitioner has a remedy of filing Revision under Section 257 of the Maharashtra Land Revenue Code, 1960 (for short, 'Code'). He relied upon the decision of the Apex Court in Gurudassing Nawoosing Panjwani Vs. State of Maharashtra, (2016) 2 SCC 213 and in particular paragraphs 26 and 27 thereof, to contend that the second Revision under

Section 257 of the Code is maintainable before the State Government. He submitted that the petition is instituted on 16.7.2015. The time spent by the petitioner in prosecuting this petition may be excluded from 16.7.2015 till date subject to the petitioner filing Revision on or before 16.6.2017.

3. In view thereof, on the motion made by Mr. Zade, Petition is allowed to be withdrawn with liberty to file Revision Application under Section 257 of the Code before the State Government. If the Revision Application is filed on or before 16.6.2017, the time spent by the petitioner in prosecuting this petition from 16.7.2015 till date, shall be excluded while considering the delay aspect. Order accordingly.

(R.G.KETKAR, J.)