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

WRIT PETITION NO.8035 OF 2015

Vithu Kedu Shelke & Anr.

...Petitioners

Vs

Bhikaji Yeshwant Mhapsekar (Decd)
through Lrs & Ors

...Respondents.

Mr. Surel S. Shah for Petitioners.
Ms. A.D. Vhatkar, AGP for State.

CORAM: A.S. GADKARI. J.

DATE: 14 AUGUST 2017.

P.C.:

1] By the present petition under Article 227 of the Constitution of India, petitioner has impugned the Judgment and Order dated 8th April 2015 passed by the learned Member, Maharashtra Revenue Tribunal, Mumbai confirming the Judgment and Order dated 25th May 2012 passed by the Sub-Divisional Officer, Sawantwadi, District-Sindudurg in Tenancy Appeal No.108 of 2010.

2] Heard the learned Counsel for the petitioners and perused the record.

3] The record indicates that the petitioner filed Tenancy Appeal No.108 of 2010 for setting aside the Certificate issued under 32-M of the Bombay Tenancy and Agricultural Lads Act in favour of the respondents by the competent authority in the year 1972. The petitioners have challenged the said Certificate in the year 2010 i.e. after lapse of about 38 years. The petitioners had filed an application for condonation of delay in the said tenancy appeal. The Sub-Divisional Officer, Sawantwadi, District-Sindudurg rejected the said Tenancy Appeal by order dated 25th May 2012 on the ground that there is inordinate delay of 38 years in challenging the Certificate issued in favour of respondents in year 1972. The Member, Maharashtra Revenue Tribunal by its judgment and Order dated 8.4.2015 confirmed the finding recorded by the Sub-Divisional Officer, Sawantwadi.

4] The record further clearly indicates that, indubitably there is inordinate delay of 38 years and the petitioners have failed to give sufficient and cogent reasons for condonation of the same. Both authorities below after scrutinizing the material available on record have reached to

the conclusion and have rejected the prayer of the petitioners. There is concurrent finding recorded by both the authorities below and according to me there is no error or illegality either in law or on facts committed by them and therefore interference by this Court under Article 227 of the Constitution of India is unwarranted.

5] Petition being devoid of merits, is accordingly dismissed.

(A.S. GADKARI, J.)