

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

WRIT PETITION NO.3889 OF 2016

Prakash Ramchandra Bhide and ors. : Petitioners.
versus
Prabhakar Sadashiv Pimputkar and ors. : Respondents.

Mr. S G Karandikar for the Petitioners.

CORAM : R. M. SAVANT, J.
DATE : 04th January 2017

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 28/07/2014 passed by the learned Member of the Maharashtra Revenue Tribunal, Mumbai by which order the Application (Exhibit A-5) filed by the Petitioners for condonation of delay of 27 years in filing the Revision came to be dismissed.

2 The Petitioners are owners of the lands bearing Survey No.50 Hissa No.4 admeasuring 2 Acres 5 Gunthas and Survey No.296 Hissa No.2 admeasuring 4 Acres 30 Gunthas of village Nivendi, Taluka & District Ratnagiri. The Respondents herein claim to be the tenants of the said lands and filed an application under Section 70(b) of the Bombay Tenancy and Agricultural Lands Act, 1948 on 18/02/1983. The said application was restricted to about 39 gunthas of land of Survey No.296 Hissa No.2. By order dated 21/03/1985 the Tahsildar and ALT, Ratnagiri declared the Respondents

as tenants in respect of the land bearing Survey No.50 Hissa No.4 and land bearing Survey No.296 Hissa No.2 to the extent of 4 Acres and 30 Gunthas. It seems that against the said order dated 21/03/1985 the Petitioner No.1 alone preferred an Appeal probably in view of the fact that he was joined in the capacity of being owner before the Tahsildar, Ratnagiri. The said Appeal was preferred through the Power of Attorney Holder Shri Chintaman Prabhakar Shinde. The Sub Divisional Officer by order dated 05/01/1987 was pleased to dismiss the said Appeal. The said Appeal was dismissed both on the ground of delay as well as on the ground that the Power of Attorney Holder did not produce the said Power of Attorney on the basis of which the said Appeal was filed.

3 The Petitioners thereafter preferred a Revision before the Maharashtra Revenue Tribunal, Mumbai on 01/03/2014 and having regard to the fact that there was a delay of 27 years, filed the instant Application (Exhibit A-5) for condonation of the said delay. The condonation of delay was sought inter alia on the grounds mentioned in the said application and more especially on the ground that the Petitioners were not aware of the decision rendered in the Appeal. The said reason given by the Petitioners did not commend acceptance to the learned Member of the Maharashtra Revenue Tribunal, as the learned Member was of the view that since mutation was effected in favour of the Respondents, the knowledge of the said order would

have to be attributed to the Petitioners. As indicated above the learned Member of the Maharashtra Revenue Tribunal refused to condone the delay of 27 years in filing the Revision.

4 In my view, having regard to the reasons mentioned in the impugned order as also having regard to the fact that the learned Member of the Maharashtra Revenue Tribunal has refused to exercise discretion in favour of the Petitioners for the said reasons, no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]