

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD***

WRIT PETITION NO. 857 OF 2018

Rakshitkumar s/o Shivajirao Aher ... Petitioner

Versus

The State of Maharashtra
& others ... Respondents

Mr. I.D. Maniyar, Advocate for the Petitioner.
Mrs. V.N. Patil-Jadhav, AGP for Respondents 1 to 4.
Mr. V.A. Bagdiya, Advocate for Respondent no. 5.

***Coram : N.M. Jamdar, J.
Date : 12 December 2018***

Per Court :

1. By this petition, the petitioner has challenged the order passed by the learned Additional Commissioner, Aurangabad in revision petition and the order passed by the Sub-Divisional Officer, Parbhani condoning delay of 243 days in the appeal filed by the respondent.

2. Heard learned counsel for the parties. Respondent no. 5

filed an appeal before the Sub-Divisional Officer challenging mutation entry number 516. There is delay of 243 days in filing this appeal. The Sub-Divisional Officer by order dated 7 August 2015 condoned the said delay and the revision against the said order was dismissed by the Additional Commissioner by order dated 10 February 2017.

3. Firstly it must be noted that the proceeding arises from correction of revenue records. It is settled that the revenue entries are for the fiscal purposes. It is informed that the civil suit is pending between the parties. Therefore, the proceeding themselves does not adjudicate any substantive right. Secondly, I have gone through the order. In view of the reason, the discretion exercised by the authority to condone the delay of 243 days cannot be said to be perverse. Writ petition is accordingly rejected. Pending appeal be considered on its own merits by the appellate authority.

N.M. Jamdar, J.