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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13342 OF 2017

Tukaram Bala Mhaske, since deceased
through His L.Rs. - P.T. Mhaske & Ors.

...Petitioners

V/s.

Pradip S. Kurlekar

...Respondent

Mr.Rupesh K. Bobade for the Petitioners.

Mr.Bhushan Walimbe for the Respondents

CORAM : R.D. DHANUKA, J.

DATE : 4TH MAY, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioners have impugned the order dated 18th January, 2017 passed by the Member, Maharashtra Revenue Tribunal, Pune Bench, Pune in revision application filed by the petitioners refusing to condone the delay in filing the revision application.

2. There was delay of about 680 days in filing the revision application. The learned Member, Maharashtra Revenue Tribunal has rendered a finding that the petitioner had not given sufficient reasons for seeking condonation of delay of 680 days in filing the revision application.

3. Mr.Walimbe, learned counsel appearing for the respondent

submits that the petitioner was also served with a copy of Caveat filed by the respondent much earlier and inspite thereof, the petitioner did not file the revision application within the time prescribed. He submits that the proceedings are pending since 1993 for recovery of possession. The petitioners were also remaining absent before the Maharashtra Revenue Tribunal.

4. Learned counsel for the petitioners on the other hand submits that the petitioners be rendered an opportunity to pursue the matter on merits and his client may be put on some reasonable terms.

5. Though the petitioners have not explained the delay sufficiently, however, in the interest of justice and on the condition that the petitioners pay the costs of Rs.50,000/- to the respondent within four weeks from today, the impugned order passed by the learned Member, Maharashtra Revenue Tribunal, Pune Bench, Pune is set aside. The delay in filing the revision application is condoned. The revision application is restored to file.

6. It is made clear that if the amount of costs is not paid within four weeks from today, the order passed by this Court condoning the delay of 680 days in filing the revision application to stand vacated without further reference to the Court. If the amount of costs is paid within four weeks from today, the learned Member, Maharashtra Revenue Tribunal to dispose of the said revision

application within eight weeks from the date of the first hearing. It is made clear that hearing of the revision application would commence only after the petitioners pay the costs of Rs.50,000/- within the time prescribed. It is made clear that neither the petitioners nor the respondent shall seek any unnecessary adjournment. The Maharashtra Revenue Tribunal shall in that event decide the revision application on merits without being influenced by the observations made and the conclusion drawn in the impugned order dated 18th January, 2017. It is made clear that no further extension would be granted to make payment of costs.

7. The writ petition is disposed of in aforesaid terms. No order as to costs.

(R.D. DHANUKA, J.)