

Ladda

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 2733 of 2016

Ganpat Babu Lokhande & Ors

..Petitioners.

Vs

Smt. Leelabai Waman Lokhande & Anr

..Respondents.

Mr. Drupad Sopan Patil, Advocate for the petitioners

Mr. B.K. Raje for Respondent No. 1 and 2.

CORAM : R.M. BORDE,J

DATED : 29th October, 2018

P.C. :

- 1) Heard learned counsel for the parties.
- 2) Rule. Rule is made returnable forthwith. The petition is taken up for final disposal by consent of parties.
- 3) The petitioners are objecting to the order passed by the Maharashtra Revenue Tribunal Pune (for short MRT) dated 30th November, 2015 refusing to restore the Tenancy Revision Application tendered by the petitioners, challenging the order passed by the Sub Divisional Officer dated 19/7/2012, which came to be dismissed for non-

prosecution. I have perused the order passed by the MRT, Pune. It appears that the petitioners are at fault since they remained absent consecutively on 12 dates fixed in the matter and did not prosecute the revision application diligently. According to the petitioners, their absence was not deliberate. However, since the Advocate representing before the MRT, Pune was not keeping well and he did not inform the dates fixed in the matter, as such no steps could be taken by the petitioners and they remained absent. The petitioners state that they received the information regarding disposal of the petition on 12/11/2014 and thereafter received the certified copy of application seeking restoration and order on 1/12/2014.

4) The petitioners before this Court are tenants in relation to the landed property. The proceedings before the MRT arise out of the order passed by the Tahsildar directing fixation of price of tenanted land which order has been set aside before the Sub-Divisional Officer, Junnar, Sub-Division Khed. The dispute raised before the MRT relates to entitlement to the immovable property i.e. agricultural land situated at village Markal, Tq. Khed, District Pune. Though there is some laxity on the part of the petitioners, considering the nature of dispute, I deem it appropriate to grant one more opportunity to the petitioners, subject to payment of costs payable to the landlord-respondents. The petitioners shall pay costs of

Rs.50,000/- to the landlords i.e. respondent no. 1 and 2 herein. The costs shall be paid to them by way of a Demand Draft of Rs.25,000/- each within a period of four weeks from the date of receipt of copy of this order.

5) The parties shall appear before the MRT,Pune on 29th November, 2018 and as such no separate notice is required to be issued by the MRT for appearance of the parties before it. The learned MRT shall decide the revision application pending before it, as expeditiously as possible, preferably within a period of six months from the date of appearance of the parties before it.

6) Rule is made absolute with the above directions.

7) Petition is disposed of.

(R.M. BORDE,J)