

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

**CIVIL APPLICATION NO.1405 OF 2018
IN
WRIT PETITION NO.12263 OF 2017**

Laxman Rammu Sapkal & Ors.

..Applicants/Petitioners

vs.

Nathu Narayan Thanekar & Ors.

...Respondents

Mr.Ganesh Tanaji Jadhav for the Applicants in CA No.1405/2018 and for the Petitioners in WP No.12263/2017.

Mr. Mohammed Naeem Shaikh for the Respondent Nos.1 to 4.

Mr. Y. S. Khochare, AGP for the Respondent Nos.5 and 6

CORAM : A.S. OKA &

A. M. DHAVALA, JJ.

DATE : 31st AUGUST, 2018.

P.C.:

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. This Civil Application is within limitation and therefore the same is allowed in terms of prayer clause (a). The amendment to be carried out within two weeks from the date on which this order is uploaded.

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2. By the impugned order passed by sub-divisional officer, the application made by the contesting respondent for condonation of delay in preferring an appeal has been allowed. The Petitioner has an efficacious alternate remedy available under the Maharashtra Land Revenue Code, 1966. Therefore, we decline to exercise jurisdiction under Article 226 of the

Constitution of India. The petition is accordingly disposed of. However, alternate remedy available to the Petitioner is kept open. All contentions of the parties are also kept open. If appropriate remedy is adopted by the Petitioner, the concerned Authority is bound to note that the present Writ petition was filed in this Court on 25th July 2017 and that the same remained pending till today.

(A. M. DHAVALA, J.)

(A. S. OKA, J.)