

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.3787 of 2018

Keshavlal @ Chandelal s/o Nathulal Kachi

VS.

Dr. Punjabrao Deshmukh Krishi Vidyapeeth, Akola and another

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Shri H.R. Gadhia, Advocate for the Petitioner.
Shri V.P. Maldhure, A.G.P. for Respondent No.2.*

CORAM : S.B. SHUKRE, J.
DATE : 3rd JULY, 2018.

Heard the learned Counsel for the petitioner and the learned A.G.P., who appears by waiving the notice on behalf of respondent No.2.

The judgment, dated 03/04/2018, passed by the Maharashtra Revenue Tribunal (hereinafter referred to as "the Tribunal" for short) is under challenge in this petition. By this judgment, the Tribunal has rejected the application filed by the petitioner to condone the delay occurred in filing an application for restoration of Tenancy Revision No. TEN/D/60/2010. The reason given is that the petitioner could not justify his illness for a period of more than four years and the medical certificates filed on record by him were insufficient.

On going through the medical certificates dated 03/04/2011 and 30/01/2015, I do not think that

any different conclusion can be reached. The medical certificate, dated 03/04/2011, says that the petitioner was under treatment and rest (bed rest) and he is unfit for movement. This certificate does not specify the period for which the petitioner was advised bed rest. It also does not mention as to for how long the petitioner was taking rest. The medical certificate, dated 30/01/2015 is in fact a fitness certificate showing that the petitioner is fit to resume his duty with effect from 30/01/2015. This certificate has a column regarding advice was given by the Doctor to the patient to take rest for a certain period. However, the period for which such advice given by the Doctor to the petitioner has been left blank. It could not be known from this certificate as to for what period of time this petitioner was taking bed rest and that too on the medical advice. It is also not known as to whether or not during the alleged bed rest of about four years, the petitioner consulted his doctor in between and with what frequency. It cannot be a case that a person, who is advised bed rest, would continue to be in bed for a period of four years and would not even once consult the doctor. What happened to the petitioner during such interregnum, ought to have been explained by the

petitioner, but he has not. All in all, the medical certificates submitted by the petitioner could not be considered to be complete documents supporting the case of the petitioner and, therefore, in my considered view, the law laid down by this Court in the case of Bhagwantibai wd/o Shrigovind Agrawal vs. Damodar Sheoprasad Agrawal - 1990 (2) Mh.L.J. 1097 that the medical certificate should not be brushed aside easily, cannot be applied to the facts of the present case inasmuch as there are no complete medical certificates brought on record by the petitioner.

Under the circumstances, I do not see any perversity or patent illegality in the impugned order. There is no merit in the petition and the petition stands summarily dismissed.

JUDGE

**sandesh*