

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6448 OF 2014

Gajrabai Farida Sonawane

Petitioner

Versus

Kondiba Bapu Ghule
& others

Respondents

Mr. A.V. Indrale Patil, Advocate for the petitioner.

Mr. R.K. Jadhavar, Advocate for respondents no. 1, 2A, 2B and 3.

CORAM : M.S. KARNIK, J.

DATE : 23rd August, 2019.

PER COURT :

1. Heard learned counsel for the petitioner.
2. Challenge in this petition is to the order passed by the Additional Divisional Commissioner, Aurangabad rejecting the application for condonation of delay. There was delay of 3 years 3 months and 8 days in filing the revision. In the application for condonation of delay, the petitioner-applicant has stated that she is an old lady and could not contact her advocate for a long time. She has stated about her illness and that her leg was fractured because of which, she could not take steps within time to challenge the impugned order.
3. Learned counsel for the petitioner would submit that the petitioner being an old lady and further because of her medical conditions that she was not able to file revision within time, the Additional Divisional Commissioner should have allowed the

application for condonation of delay.

4. I have gone through the order passed by the Additional Divisional Commissioner. I find that there is no material on record to support the contention of the petitioner that she was not keeping good health for three years or that her leg was fractured. In my opinion, the Additional Divisional Commissioner has rightly come to the conclusion that the explanation offered by the petitioner is not satisfactory.

5. The proceeding initiated pertains to mutation entry no. 1293 which was sanctioned in the name of the present petitioner. The Sub-Divisional Officer, Osmanabad, allowed the appeal and cancelled the mutation entry by order dated 14.09.2009. It is well settled that mutation entries are only for fiscal purpose and do not in any manner determine right, title or interest of the parties in the suit property.

6. Keeping the liberty to establish right, title and interest of the parties over the suit property by filing appropriate proceeding before the Civil Court open to the petitioner, writ petition stands dismissed.

(M.S. KARNIK, J.)

dyb/