

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

WRIT PETITION NO. 13602 OF 2017

Shri Bhimrao Shankar Mane

.. Petitioner

Vs.

Shri Vasant Dadu Mahar & Anr.

.. Respondents

Mr.Vishwanath B. Rajure for petitioner.

None for respondents.

CORAM : N.J. JAMADAR, J.

DATE : 11TH JULY 2019

P.C.

1 Heard the learned counsel for the petitioner.

2 In this petition under Article 227 of the Constitution of India, the legality, propriety and correctness of an order passed by the learned Member, Maharashtra Revenue Tribunal, Pune on 8th February 2017 in Revision Application No. KP/IX/3/2014, whereby the learned Member declined to condone the delay of about 7 years in preferring the revision against the order passed by the Sub-divisional Officer, Ichalkaranji in Tenancy Appeal No.6 of 2006, dated 11th July 2007, is assailed.

3 The petitioner-applicant had professed to challenge the order passed by the Sub-divisional Officer, Ichalkaranji in Tenancy Appeal No.6 of 2006, whereby the appeal preferred by him was dismissed, by preferring a

revision before the Maharashtra Revenue Tribunal. There was delay of about 7 years in preferring the said revision.

4 The learned Member noticed that the petitioner/applicant was not prosecuting the proceedings before the Tribunal diligently. Nonetheless, the learned Member adverted to the cause, ascribed by the petitioner for the delay in preferring the revision application; the delay occurred as the petitioner had challenged the order passed by the Sub-divisional Officer in Tenancy Appeal No. 6 of 2006 before the Additional Collector, which came to be returned by the order dated 8th August 2014. The learned Member noticed that there was delay of about 5 years in preferring the said proceedings before the Additional Collector. There was no justifiable reason for the said delay. In the aforesaid backdrop even if the period consumed in prosecuting the remedy before the wrong forum is excluded, there was no endeavour to explain the rest of the delay, in preferring the revision petition.

5 It is true that the Court/Tribunal should lean in favour of condonation of delay so as to advance the cause of substantial justice. Ordinarily, an application for condonation of delay is liberally considered and if a justifiable reason is assigned the delay is condoned. However, in the case at hand, not only there is an inordinate delay but also there does

not seem to be any sufficient cause for the same. Moreover, it seems that the petitioner was not diligent in prosecuting the said revision application before the Maharashtra Revenue Tribunal, and did not appear before the Tribunal despite notice.

6 In this view of the matter, the impugned order, i.e., not to condone the delay, does not warrant any interference in exercise of extraordinary jurisdiction of this Court.

7 The petition is devoid of substance. Hence, the petition stands dismissed.

(N.J. JAMADAR, J.)