

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

WRIT PETITION NO. 2074 OF 2017

Mr.Mohan Namdeo Kachre

.. Petitioner

Vs.

Mahadeo Devsthan Bhagwan

Giri Balgiri Gosavi (deceased)

& Ors.

.. Respondents

Mr.Ajay A. Joshi, Advocate for petitioner.

CORAM : N.J. JAMADAR, J.

DATE : 2ND APRIL 2019

P.C.

- 1) Heard the learned counsel for the petitioner.
- 2) This petition assails the order passed by the learned Member, Maharashtra Revenue Tribunal, Pune on 25th April 2016 whereby the revision preferred by the petitioner herein against the order passed by the Sub-divisional Officer, Malshiras, Sub-division Akulj, came to be rejected at the admission stage itself.
- 3) The essence of challenge in the petition is to an order passed by the Agricultural Land Tribunal, Solapur on 9th May 1960 whereby, the purchase of the agricultural land by the tenant Mari Ranu Kachare was declared to be ineffective as the tenant, predecessor in title of the petitioner, did not turn up in spite of notice. The said order came to be assailed by the petitioner by filing an appeal in the year 2015. The

appellate authority declined to entertain the appeal by condoning the delay as there was an inordinate delay of more than 55 years. The learned Member, Maharashtra Revenue Tribunal, Pune concurred with the findings recorded by the appellate authority.

4) The learned counsel for the petitioner urged that the authorities have not considered the fact that the petitioner's father and grand-father were not aware of the proceedings in which the purchase was declared to be ineffective.

5) The delay is inordinate to say the least. Even the contention that the original tenant was not duly served does not appear to be supported by the record. It seems that there is an endorsement of the service of notice dated 4th April 1960 upon Mari Ranu Khchare-original tenant.

6) In this view of the matter, the authorities were justified in recording a finding that the proceedings were hopelessly barred by limitation and no case was made out to condone the delay. The scope of interference in a petition under Article 227 of the Constitution of India is limited.

7) Thus, the petition stands rejected.

[N.J. JAMADAR, J.]