

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3865 OF 2018

Dhondiram Bapu Patil

... Petitioner.

Versus

Anna Ganu Patil
deceased through Lrs.
a) Bajirao Anna Patil and Ors.

... Respondents.

.....

Mr. Kedar Lad for Petitioner.

Smt. V.S. Nimbalkar, AGP for Respondent No.3-State.

Mr. Rushikesh Patil i/b Mr. P. D. Dalvi for Respondent Nos.1(a) & 1(b)

.....

CORAM : A. S. GADKARI, J.

DATE : 24TH SEPTEMBER, 2019

P. C. :

1. Heard learned counsel for the petitioner, learned AGP for the State and learned counsel for the respondent Nos.1(a) and 1(b).
2. By the present petition, the petitioner has taken an exception to the Judgment and Order dated 09.01.2018 passed by the learned Member, Maharashtra Revenue Tribunal, Kolhapur (for short "Revenue Tribunal") thereby allowing the application for condonation of delay preferred by the respondents in filing the application for restoration of the revision which was dismissed on the ground of abatement as the respondents did not bring on record legal heirs of original revisional applicant Anna Ganu Patil within a period of limitation.

3. Learned counsel for the petitioner submitted that there was a delay of more than 18 years in filing the said application for restoration which was not satisfactorily explained by the respondent No.1 and therefore the impugned Order needs to be quashed and set aside.

4. A bare perusal of the application filed by the respondent No.1 for condonation of delay and the impugned Order passed by the Revenue Tribunal dated 09.01.2018 clearly indicates that, sufficient cause for condonation of delay has been stated by the respondent No.1. By the impugned Order the Restoration Application No. KP/III/1/17(Resto) filed by the legal heirs of respondent No.1 has been restored and is directed to be registered.

In view thereof, I find no substance in the contention of the learned counsel for the petitioner that the legal heirs of the respondents have not offered any explanation for condonation of delay.

5. After perusing the record, this Court is of the considered view that the impugned Order does not suffer from any error either in law or on facts and needs no interference in it by this Court.

6. The Writ Petition is accordingly rejected.

(A. S. GADKARI, J.)