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

WRIT PETITIOIN NO.4227 OF 2016

Yashwant Bapu Bhosale & Anr.

..Petitioners

Vs

Smt. Rakhamabai Bajirao Hapse & Ors.

..Respondents

Mr. M.B. Deshmukh, for the Petitioners.

Mr. Ameet Palkar, for the respondent Nos. 1 to 8, 13,14,15,16,18 and 20.

CORAM : A.S.GADKARI, J.

DATE : 17th June 2019.

P.C.:

1] By the present petition under Article 227 of the Constitution of India, the petitioners have taken exception to the Order dated 12.2.2016 passed in Restoration Application No.SS/X/1/2015 by the learned Member of the Maharashtra Revenue Tribunal, Pune, rejecting the said Application preferred by the petitioners.

2] Heard the learned counsel for the petitioners and the learned counsel for the respondents. Perused the record.

3] The petitioners had preferred Revision baring TNC/REV/170/B/2008/SS before the Maharashtra Revenue Tribunal at Pune challenging the Judgment and Order dated 19.4.2008 passed by the

Sub-Divisional Officer, Miraj Sub Division, Miraj, District Sangli in Tenancy Appeal No.4 of 2008. However, the said Revision was dismissed for want of prosecution by the Tribunal by its Order dated 6.11.2015. The petitioners therefore filed aforesaid restoration application. The Tribunal by the impugned Order dated 12.2.2016 has rejected the said application.

4] The learned counsel for the petitioners submitted that, the son of the petitioners was following the matter with their Advocate. That the son of the petitioner is in service of O.N.G.C. and was subsequently transferred to Ankaleshwar, State of Gujarat and therefore could not follow up the matter with their Advocate. That the petitioners were relying on their Advocate to do the needful in the matter for them.

5] The record indicates that, the service upon the respondent Nos.9,10,11,12 and 18 was not effected by the petitioners in the Revision Application No.170 of 2008 despite granting sufficient opportunity by the Tribunal and subsequently the petitioners and their Advocate remained absent before the Tribunal on 8 consecutive occasions. It is to be noted here that, it is the equal responsibility of the petitioners to follow up the matter with their Advocate and the litigants cannot be permitted to raise a specious plea that, they have entrusted the brief to their Advocate and their

Advocate will do the needful for them without being given instructions to him from time to time. It is also the responsibility of the litigants to pursue their own matter with their Advocate. The petitioners herein did not follow the matter with their Advocate diligently and consecutively remained absent before the Tribunal at least on eight occasions. As noted earlier, the Tribunal was left with no other alternative but to reject the Revision for want of prosecution.

6] After perusing the impugned Order, this Court is of the considered view that the learned Member of the Maharashtra Revenue Tribunal, Pune has not committed any error either in law or or facts while passing the impugned Order.

Petition is accordingly rejected.

(A.S.GADKARI, J.)