

DDR

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

WRIT PETITION NO. 8796 OF 2019

Budhabai Manga Shid & ors. ..Petitioners
vs.
Rama Pandurang Shid & ors. ..Respondents
....
Shri T.M. Khairnar for petitioners.

....
CORAM : M.S.KARNIK, J.

DATE : 25th SEPTEMBER, 2019

P.C. :

Heard learned counsel for the petitioners.

2. The order impugned is an order dated 25th September, 2018 passed by the Member, Maharashtra Revenue Tribunal, Mumbai, ('MRT' for short) dismissing the Revision filed by the petitioners for non prosecution.

3. It is stated by learned counsel for the petitioners on instructions of the petitioners that an application for restoration of the Revision which is dismissed for non prosecution is already filed before the MRT. As the MRT dismissed the matter for non

prosecution and as per learned counsel the application is yet to be decided, the present Petition can be disposed of by directing the MRT to consider the application for restoration of the revision which is dismissed for non prosecution on 25th September, 2018.

4. In the event such application is not made, liberty to the petitioners to file an application for restoration of the Revision which has been dismissed for non prosecution by the impugned order dated 25th September, 2018.

5. If an application is made, the MRT shall consider the same on its own merits. It is further open for the petitioners to approach this Court in case any adverse order is passed by the MRT on the application for restoration.

6. With these observations, the Petition stands disposed of.

(M.S.KARNIK, J.)