

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

WRIT PETITION NO.2452 OF 2018

Abdul Rehaman Ebrahim
(Since Deceased) through LR.

..Petitioner

Vs.

Ganpat Divadya Patil
(Since Deceased) through LR. & Ors.

..Respondents

.....

Mr. Sachin Pawar, Advocate for Petitioner.

Ms. Divya Prasad i/b. Ratna Bhargavan, Advocate for Respondent
No.1A.

CORAM : C.V. BHADANG, J.

DATE : 24th FEBRUARY, 2020

P.C.

. The challenge in this petition is to the order dated 17/6/2017 passed by the Maharashtra Revenue Tribunal, Mumbai ('MRT' for short) refusing to condone the delay of more than three years in filing the revision application challenging the order passed by the Agricultural Lands Tribunal under Section 32 (G) of the Bombay Tenancy and Agriculture Lands Act.

2. The only ground on which the condonation of delay was sought is that the petitioner had no means to challenge the impugned order. I have given my anxious consideration to the circumstances and the submissions made and I have gone through the impugned order and I do not find that such a omnibus reason can be accepted for condonation of delay particularly a delay of gross nature. A perusal of the impugned order shows that MRT has

relied upon the decision of the Supreme Court in the case of **Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others (2013)12 SCC 649** in order to find that no case for condonation of delay is made out. The Supreme Court in the case of **Esha Bhattacharjee** (Supra) has inter alia held that although the Court can take a liberal view of the matter where the delay is of short duration, a stricter approach is necessitated where the delay is of a substantial or gross nature as in the present case. It transpires during the course of arguments, at bar, that the purchase certificate has already been issued in favour of the respondent and thus, the condonation of delay, at this stage is likely to cause prejudice to the respondent in respect of the rights which have already accrued to the respondent. I do not find that the exercise of the discretion by the MRT, while refusing to condone the delay suffers from any infirmity so as to require interference in the exercise of supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The petition is without any merit and is accordingly dismissed with no order as to costs.

C.V. BHADANG, J.