

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 9366 OF 2017

The City Technology Park LLP ... Petitioner
Vs.
Nandu Shivaji Buchade & Ors. ... Respondents

Mr. Drupad S. Patil, for the Petitioner.

Mr. D. D. Rananaware, for Respondent No. 1.

CORAM : C. V. BHADANG, J.

DATE : FEBRUARY 5, 2020

PC :

1. The challenge in this petition is to the order dated 4th March, 2017 passed by the Sub-Divisional Officer, Haveli (for short “SDO”), condoning the delay of about 7 years in filing RTS Appeal No. 233 of 2016. The only contention raised on behalf of the Petitioner is that the SDO has condoned the delay without any reasons worth the name.

2. The learned counsel for the first Respondent submits that the Petitioner has efficacious remedy against the impugned order of filing an appeal under Section 247 of the Maharashtra Land Revenue Code, 1966.

3. On hearing the counsel for the parties, the Petition is disposed of granting liberty to the Petitioner to avail of the remedy of

appeal under Section 247 of the Maharashtra Land Revenue Code, 1966. If such an appeal is filed, alongwith an application for condonation of delay, the appellate authority shall take into consideration the provisions of Section 5 read with 14 of the Limitation Act, having regard to the pendancy of this Petition from 11th July, 2017 till today.

4. Further, in order to enable the Petitioner to avail of the remedy of Appeal it is directed that the proceedings in RTS Appeal No. 233 of 2016 before the learned SDO shall remain stayed for a period of three weeks from today.

5. Rival contention of the parties, on merits, are left open.

6. In the circumstances, there shall be no order as to costs.

Sd/-
C. V. BHADANG, J.

Vinayak
P.
Halemath

Digitally signed
by Vinayak P.
Halemath
Date:
2020.02.07
15:11:18
+0530