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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 31339 OF 2019

Tukaram Babaji Mhabdi ... Petitioner
Vs.
Dilip Maruti Modak ... Respondent

Mr. Sumit S. Kothari, for the Petitioner.
Ms. Shubhada S. Gokhale, for Respondent.

CORAM : C. V. BHADANG, J.
DATE : FEBRUARY 11, 2020

PC :

1. The challenge in this petition is to the order dated 26th September, 2019 passed by the learned Maharashtra Revenue Tribunal, Mumbai (for short “MRT”), thereby condoning delay in filing a revision application filed by the Respondent, subject to costs of Rs. 5,000/-.

2. The learned counsel for the Petitioner submits that the only ground made out for condonation of delay of over three years, is that the Petitioner was suffering from heart ailment. It is submitted that the order, which was subject matter of challenge before the MRT was passed by the learned SDO on 26th July, 2014, and there is one medical certificate dated 6th December, 2016 produced on record. He points out that only after receipt of a notice in some land acquisition

proceedings, the Petitioner approached the MRT with an application for condonation of delay. It is submitted that the Respondent has not made out sufficient cause for condonation of delay.

3. The learned counsel for the Respondent points out that the Petitioner has accepted the impugned order, which is evident from the fact that the Petitioner has accepted the costs, without any protest. It is submitted that the discretion exercised by the Tribunal in condoning the delay is legal and proper.

4. I have considered the submissions made and I have gone through the impugned order. It is undisputed that the Petitioner has accepted the costs without any protest. In other words, this is not a case where costs have been accepted without prejudice to the right to challenge the order condoning the delay. Normally, this Court would be slow in interfering with an order condoning delay, unless it is found that the discretion exercised is tainted with irregularity or perversity, which is not the case herein. Considering the overall circumstances, and particularly having regard to the fact that the Petitioner has accepted the impugned order, I decline to entertain the petition, which is accordingly dismissed, with no order as to costs.

Sd/-
C. V. BHADANG, J.