

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**CIVIL APPLICATION (CAW) NO. 2931 OF 2019**

**IN**

**WRIT PETITION NO. 76 OF 2018**

**Maroti Sansthan Trust, Gobhani, Through its President Shri Kesharao s/o**  
**Sakharamji Harkal**

**...Versus...**

**Barikrao s/o Bapurao Deshmukh (Dead), Through his L.Rs. Kashiram s/o**  
**Barikrao Deshmukh and another**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders or directions  
and Registrar's orders  
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Court's or Judge's orders

Mrs. R.D. Raskar, Counsel for applicant

**CORAM : AVINASH G. GHAROTE, J.**

**DATE : 25/02/2020**

Heard Mrs. Raskar, learned Counsel for the applicant. None for the respondents.

By this application, the applicant Dhiraj s/o Wamanrao Deshmukh, seeks to be implied as a party respondent to the present petition. The reason for impleadment are as follows :-

The land of field survey No. 8/2(Gat no.32), admeasuring 2.45 Hr, situated at Village Tandulwadi, Tahsil Risod, District Washim, was owned by the Maruti Deosthan Trust, of whom one Barikrao Bapurao Deshmukh, was the tenant, who applied for fixation of the purchase price under

Section 46 of the Bombay Tenancy and Agricultural Lands Act (V.R.) of 1958. The Agricultural Land Tribunal upon holding that Barikrao was a deemed tenant from the year 1958 by an order dated 05/07/1973, fixed the purchase price at Rs. 528.43 (Rs. Five Hundred Twenty Eight and Forty Three Paise), which came to be deposited by Barikrao. A certificate of purchase in form 'X' of the Bombay Tenancy and Agricultural Lands Act, came to be issued in favour the said Barikrao on 25/03/1987. Barikrao thereafter, applied for and obtained permission to sell the land from the S.D.O. on 25/12/1988, consequent to which sale-deed came to be executed by him in favour of Wamanrao Kisanrao Deshmukh on 03/01/1989 and 20/06/1989. In a family arrangement, the applicant Dhiraj is claimed to have received the said lands, which are accordingly said to be in his possession and his name is accordingly mutated in the 7/12 extract, as on 30/01/2002.

The order dated 05/07/1973, passed by the Agricultural Lands Tribunal, holding Barikrao to be a deemed tenant and fixing the purchase price, was challenged by the present petitioner by way of an appeal under Section 107 of the Bombay Tenancy and Agricultural Lands Act on 05/05/2015, along with an application for condonation of delay, of nearly 41 years. The S.D.O. by an order dated 14/07/2017, has rejected the application for condonation of delay being aggrieved by which, the present petition has been

filed.

Considering the position as enumerated above, the applicant is clearly a proper and necessary party to the present proceeding. The application is therefore, allowed. The petitioner is directed to join the applicant namely Dhiraj Wamanrao Deshmukh, as party respondent No.3 to the present petition.

Upon such addition, Mrs. Raskar learned Counsel for the added party waives notice for respondent No.3.

List the matter for further consideration on 02/03/2020.

**JUDGE**

J.Pethe