

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

942 WRIT PETITION NO.1837 OF 2022

SUNIL CHANGDEV BANSODE SINCE DECEASED THROUGH HIS
LRSKAJAL VINOD BHOSALE AND ANOTHER
VERSUS
THE SUB DIVISIONAL OFFICER AND OTHERS

...

Advocate for Petitioners : Mr. Sagade B.G.
AGP for Respondents/State : Mr. P.G. Borade

CORAM : MANGESH S. PATIL, J.
DATE : 08.07.2022.

PER COURT :

Heard the learned advocate for the petitioners. They are aggrieved by the order passed by the Member, Maharashtra Revenue Tribunal rejecting their application for condonation of delay in preferring a revision under Section 76 of the Bombay Tenancy and Agricultural Lands Act, 1948.

2. Even according to the petitioners, the delay was of 05 years 09 months. It is a matter of record that apparently they had under a *bona fide* belief approached this Court and had preferred Writ Petition No. 9164/2010 instead of approaching the Maharashtra Revenue Tribunal and preferring a revision. Even if, some benevolent approach is to be adopted, at the most by virtue of Section 14 of the Limitation Act, 1963 the petitioners would be entitled to exclusion of a period from the date they preferred the writ petition till it was withdrawn on 05.10.2010.

3. The petitioners withdrew the writ petition with liberty to approach the Maharashtra Revenue Tribunal on 05.10.2010. However, admittedly, they preferred the revision on 17.08.2011, after about 10 months of withdrawing the writ petition when they ought to have preferred the

revision within the stipulated period of 60 days.

4. The application for condonation of delay is completely devoid of any explanation for this further period of 10 months which they allowed to lapse in preferring the revision. Even if the Tribunal has not considered this aspect, in my view, this is another circumstance which disentitles the petitioners in seeking the relief of condonation of delay.

5. In the circumstances, in the absence of any explanation for the delay, the order passed by the Tribunal cannot be said to be either perverse, arbitrary or illegal.

6. The Writ Petition is dismissed.

(MANGESH S. PATIL, J.)

mkd/-