

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1245 OF 2019

Vishwajit Uday Pawar

..Petitioner

V/s.

Abhijit Arun @ Vasant Pawar

and Ors.

..Respondents

Mr. Kuldeep Nikam for the Petitioner.

Mr. C.D. Mali, AGP for Respondent/State.

CORAM : C.V. BHADANG, J.

DATE : 04 OCTOBER 2022

P.C.

. The challenge in this petition is to the order dated 18.09.2018 passed by the learned Commissioner, Pune Division, Pune thereby condoning the delay of 229 days in filing appeal under Section 252 of the Maharashtra Land Revenue Code.

2. I have heard the learned counsel for the Petitioner and the learned AGP. None appears for the private Respondents.

3. The learned counsel for the Petitioner submitted that the private Respondents have not even chosen to appear in the matter. It is submitted that there is a substantial delay of 229 days which could not have been condoned. The learned counsel

submitted that the intimation about passing of the order which was sought to be impugned before the learned Commissioner was issued and has to be treated as served and therefore, the ground for condonation of delay that private respondents (Applicants before the learned Commissioner) were not aware of the order which was sought to be challenged, cannot be accepted. The learned counsel has tendered a copy of outward register with the relevant entries at Serial Nos. 18 to 21. That copy is taken on record and marked "X" for identification. The learned counsel submitted that entry "1" in the relevant column depicts that intimation was served.

4. This aspect is disputed by the learned AGP. He also points out that the Petitioner has alternate remedy of a revision application under Section 252 of the said Code.

5. I have considered the submissions made. Normally, this Court would be slow in interfering with the discretionary order condoning the delay.

6. In the present case, the private Respondents had approached the learned Additional Commissioner with the prayer for condonation of delay of 229 days on the ground that the intimation about passing of the order which was sought to be impugned, was not received. The outward register with the

relevant entries at Serial Nos. 18 to 21 dated 10.04.2014 do not show that such intimation was served.

7. Admittedly, the postal acknowledgments and/or envelopes duly returned as refused or otherwise have not been produced on record to show that the intimation was served.

8. In that view of the matter, no exception can be taken to the impugned order condoning the delay. The petition is without any merit. It is accordingly dismissed with no order as to costs.

C.V. BHADANG, J.