

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8643 OF 2022

Mr. Shivram Rajaram Fendre

Deceased Through his Legal Heirs

1.A) Smt. Sangita Shivram Fendre and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

...

Mr. Pravin Dabade i/by Mr. Ganesh Patil, for Petitioners.

Mr. C.D. Mali, A.G.P., for Respondent No.1 - State.

...

CORAM : SANDEEP V. MARNE, J.

DATE : SEPTEMBER 07, 2023.

P.C.:

1. By this Petition, Petitioners challenge order dated 28 August 2019 passed by the Maharashtra Revenue Tribunal, Mumbai dismissing the Revision Application No.03 of 2001 on account of failure on the part of the Petitioners to deposit cost of Rs.2,000/- imposed vide order dated 19 July 2019.

2. Learned Counsel for Petitioners would draw my attention to the receipt dated 3 April 2019 by which the Petitioners had apparently deposited cost of Rs.2,000/- before Maharashtra Revenue Tribunal Bar Association. He

would submit that, though the cost was already deposited on 3 April 2019, this factom was not brought to the notice of the Tribunal on 28 August 2019 when the revision came to be dismissed.

3. This Court had issued notice to the Respondents on 22 July 2019. It appears that the Respondents are served. However, none appears for them.

4. In my view, considering the limited issue raised in the present Petition, the same need not be kept pending for appearance on behalf of Respondents.

5. The present Petition is accordingly allowed.

6. Tribunals Order dated 28 August, 2019 is set aside. Revision Petition No.52 of 2018 is restored on the file of Maharashtra Revenue Tribunal, Mumbai.

7. The Tribunal shall issue notices to the Respondents therein before hearing the Revision Petition.

8. Writ Petition is accordingly disposed of.

(SANDEEP V. MARNE, J.)