

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

WRIT PETITION NO. 4398/2022

MADHUKAR JANRAOJI SHENDE (DEAD) THR. LRS. AND ANOTHER
VS
THE TAHSILDAR (RURAL), NAGPUR AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr Tejas Deshpande, counsel for the petitioners.

Mr K.L. Dharmadhikari, AGP for the respondent Nos. 1 and 2.

CORAM : ANIL S. KILOR, J.
DATED : 19/01/2023

1. In this writ petition, it appears that the proceeding was filed in the year 2015, challenging the order dated 06/12/1971, passed by the Sub-Divisional Officer, Nagpur Rural, and there was a delay application, filed for condoning the delay, which came to be rejected by the Member (Judicial) Maharashtra Revenue Tribunal, Nagpur, after observing that, the petitioner is just to protect his possession in one way or the other, filing the proceedings.

2. The learned Tribunal, therefore vide order dated 13/04/2018, rejected the application of the petitioner for condonation of delay.

3. The present petition against the said order below Exhibit No. 2 dated 13/04/2018 was filed on

21/04/2022, after four years with explanation that the petitioner is an agriculturist.

4. Thus, considering the fact that, the petitioner wants to challenge the order of the year 1971 i.e. order which was passed more than fifty years back, without giving any sufficient explanation for such an inordinate delay, and also without explaining the delay caused in filing the present petition, an opportunity was given to the petitioner to show his bonafide by depositing Rs. One Lakh vide order dated 22/12/2022. However, he failed to deposit the same.

5. Thus, on merit, as well as because of failure to show his bonafide by depositing Rs. One Lakh, I am of the opinion that there is no merit in the present petition. Accordingly, the writ petition is **dismissed**.

JUDGE