

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2358 OF 2024.

Suresh Raoji Bhuravane And Ors.

...Petitioners.

Versus

Sanjay Tukaram Bhuravane And Ors.

...Respondents.

Mr. S. C. Mangle, for the Petitioner.

None for the Respondents.

Coram : Sharmila U. Deshmukh, J.

Date : December 17, 2024.

P. C. :

1. By this Petition, the challenge is to the order dated 27th February, 2020 passed by the SDO and the order dated 5th April 2022, passed by the learned MRT by which the Petitioner's Application for condonation of delay came to be rejected.

2. The facts of the case are that the Petitioners by way of Tenancy Appeal filed under Section 76 of the Maharashtra Tenancy And Agricultural Lands Act 1948, challenged the order dated 27th October, 1965, passed in proceedings initiated under Section 32-G of the Tenancy Act in respect of half portion of the property in favour of the predecessor of the Respondents, in the year 2017, after delay of almost 53 years. The Sub Divisional Officer considering the explanation which was tendered has rejected the explanation which order was

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upheld by the learned Member of MRT by relying upon the decision in the case of ***Esha Bhattacharjee vs. Management Committee of Raghunathpur Nafar***¹

3. Learned Counsel appearing for the Petitioner canvassed submissions on merits of the case and submitted that considering the merits of the matter, the Appeal ought not to have been thrown out at the threshold. He has taken this Court through the order of SDO as well as MRT and would submit that neither Authority has taken into consideration the facts in the proper perspective and have declined to exercise jurisdiction warranting interference under Article 227 of Constitution of India.

4. I have considered the submissions and perused the record.

5. The SDO has considered the explanation tendered for the delay and have noted the solitary ground is that the Petitioners claimed to be unaware of the 7/12 extract or the mutation entries and has refused to accept the explanation for colossal delay of 53 years. The learned member of MRT has upheld the findings of the SDO by relying upon the decision in the case of ***Esha Bhattacharjee vs. Management Committee of Raghunathpur Nafar*** (*supra*).

6. Nothing has been demonstrated to show that the Petitioners were unaware of the 7/12 extract and mutation entries for

1 [(2013) 12 SC 649]

period of 53 years. Further it needs to be noted that the predecessor of the Petitioners during their lifetime had not challenged the order of 27th October 1965 and after lapse of almost 53 years, the challenge has been mounted by the Petitioners. Further there is no explanation which is submitted for such an inordinate delay and therefore the Application has been rightly rejected by the SDO as well as the learned member of the MRT. In exercise of judicial review of the discretion exercised by the authorities, I find no reason to interfere under Article 227 of Constitution of India.

7. Resultantly, the Petition fails and stands dismissed.

[Sharmila U. Deshmukh, J.]