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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9365 OF 2017**

Ms.Shantabai Premchand Agarwal ... Petitioner
Vs.
State of Maharashtra and Others ... Respondents

Mr. Vilas B. Tapkir for the Petitioner.
Ms. Madhubala Kajale 'B' Panel Counsel for Respondent Nos. 1
and 2.
Mr. Kavyal P. Shah for Respondent Nos. 3(a) to 3(d).

CORAM : GAURI GODSE, J.

DATE : 15th JANUARY 2024

P.C.

1. By order dated 4th January 2023, an application dated 4th January 2023 tendered by Mr Railkar, Advocate seeking withdrawal of the Writ Petition was taken on record. However, Mr. Tapkir who was appearing for the petitioner had taken time to take instructions to verify the same. On 5th January 2024 again time was taken to seek instructions in terms of order dated 4th January 2023.

2. Learned counsel for the petitioner on instructions from the Power of Attorney holder of the petitioner states that the petitioner had never

made any application for withdrawal of the petition and that she wants to proceed with the matter.

3. Persual of the record indicates that Mr. Railkar had never filed any vakalatnama in the matter by taking no objection from Mr. Tapkir.

4. Hence, in view of the aforesaid, the petition was heard on merits.

5. This petition seeks to challenge an order dated 16th May 2016 passed by the Member, Maharashtra Revenue Tribunal, Pune rejecting the petitioner's application for condonation of delay of 18 years in filing the revision.

6. The Revision Application before the Maharashtra Revenue Tribunal, Pune was filed for challenging order dated 22nd February 1993 passed by the Sub-Divisional Officer in Revision Application No. 416 of 1992 which was arising out of an order passed under Section 84C of the Bombay Tenancy and Agricultural Lands Act, 1948 (now the Maharashtra Tenancy and Agricultural Lands Act, 1948) ("the Tenancy Act"). By the order dated 22nd August 1986, the transaction in respect of the land in dispute was declared invalid under Section 84C of the

Tenancy Act. The petitioner is the purchaser from respondent no. 3 who is the tenant purchaser of the concerned land.

7. Learned counsel for the petitioner submitted that the petitioner was not aware of the order dated 22nd February 1993 and after she learnt about the same on 20th July 2011 she applied for certified copies and the Revision Application was preferred before the Maharashtra Revenue Tribunal. He therefore submitted that the delay ought to have been condoned and the petitioner ought to have been granted an opportunity to make submissions on merits.

8. Learned counsel for respondent no. 3 submitted that the petitioner has not given any satisfactory explanation to condone the delay of 18 years and the Maharashtra Revenue Tribunal has rightly rejected the Revision Application as time-barred and refused to condone the delay.

9. I have perused the record. A perusal of the application for condonation of delay does not indicate the source of knowledge of the impugned order. There is a vague averment made in the application that she was not aware of the order passed by the Sub-Divisional

Officer and hence Appeal could not be filed within time. Further, it is stated that the petitioner learnt about the order on 20th July 2011, however, the petitioner has not stated in what manner the petitioner learnt about the order and more so when the order impugned before the Maharashtra Revenue Tribunal was passed in an appeal preferred by the petitioner herself. It is not the case of the petitioner that the order was passed without hearing the petitioner.

10. A perusal of the impugned order indicates that the Maharashtra Revenue Tribunal has rejected the application for condonation of delay on the ground that no satisfactory reason is given by the petitioner for condoning the delay. The impugned order rejecting the application for condonation of delay is after examining the reasons given by the petitioner in the delay condonation application.

11. I do not find any illegality or infirmity in the impugned order. The petition is devoid of any merits.

12. Hence, for the reasons stated above the petition is dismissed.

[GAURI GODSE, J.]