

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9111 OF 2024

Rukmini Tukaram Bhomkar And Ors ...Petitioners
Versus
The State Of Maharashtra Thr
Government Pleader And Ors ...Respondents

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Mr. R.D. Soni, with Ranjeet H. Patil & Kalpana Chate & Sumit Nimbalkar, for the Petitioners.

Mr. G.S. Godbole, Senior Advocate, i/b Kaustubh Thipsay, for Respondent Nos. 2 to 4.

Ms. Leena Sawant, for Respondent No.5.

Mrs. V. S. Nimbalkar, A.G.P. for Respondent Nos. 6 to 8 – State.

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CORAM : AVINASH G. GHAROTE, J.
DATE : 10th JULY, 2024

P.C.:

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1. The Petition questions the order dated 22.05.2024 passed in Revision, by which an order dated 04.01.2023 passed by the Sub Divisional Officer (“SDO”), condoning the delay of 29 years in filing of an appeal, challenging a Mutation Entry, which revision has been dismissed by the aforesaid order. A perusal of the impugned order dated 22.05.2024 would indicate that the plea

questioning the condonation of delay has not been addressed at all and the proceedings are dismissed.

2. Neither learned AGP appearing for the respondent Nos. 1,6 to 8, nor Mr. Godbole, learned Senior Counsel, for the respondent Nos. 2 to 4 and Ms. Sawant, appearing for the respondent No. 5 support the impugned order and rightly so for the reason that once a revision is filed before the respondent No. 8, it has to be decided on its own merits one way or the other.

3. This having not been done, the impugned order is hereby quashed and set aside and the matter is remitted back to the respondent No. 8. The parties are directed to appear before the respondent No. 8 on 22nd July, 2024, without any further notice been required to be issued in that regard. The respondent No.8 shall decide the matter within a period of 8 weeks from 22.07.2024. The Mutation Entry shall be subject to the final result of the Appeal filed by the Collector.

(AVINASH G. GHAROTE, J.)