

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

WRIT PETITION NO. 12726 OF 2024

Dhiren Meghji Gada And Ors. Petitioners

Versus

State Of Maharashtra And Ors. Respondents

Adv. Siddhesh Bhole a/w Adv. Riddhi Natekar i/b Adv. Shreyas Vyas,
for the Petitioners.

Adv. Y. D. Patil, AGP, for Respondent Nos.1, 2 & 8 – State.

Mr. Savio Pereira S/o Mr. Joseph Pereira, Caveator on behalf of
Respondent No.3, Present.

CORAM : R. M. JOSHI, J.

DATE : 23rd SEPTEMBER, 2024.

P.C. :

1. Heard.
2. Issue notice to the Respondents, returnable on 23rd October, 2024.
3. Learned counsel for the Petitioner has drawn attention of the Court to the application for condonation of delay of 19 years filed by the Respondent No.3. According to him, there is no sufficient ground/reason mentioned for the condonation of delay. He further

drew attention of the Court to the impugned order wherein the District Superintendent of Land Record has allowed the application for condonation of delay without recording a finding that sufficient cause/ground is made out for condonation thereof. He has passed the order for the reason that it is the responsibility of the office to maintain the correct record. On the face of it, this cannot become a ground for condonation of delay. Hence, an arguable case is made out by the Petitioners.

4. There shall be interim relief in terms of prayer clause (b) till the next date of hearing.

5. Mr. Savio Pereira claiming himself to be son of Mr. Joseph Pereira makes statement that his father has filed Caveat in this proceedings.

6. Learned counsel for the Petitioners, on instructions, makes a statement that the Petitioners have never received any Caveat. Hence, question of serving Respondent No.3 does not arise.

7. Irrespective of the above controversy, this Court is of the view that since *prima facie* arguable case is made out by the Petitioners, it is a fit case to grant interim relief till the next date of hearing.

(R. M. JOSHI, J.)