

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

**REVIEW PETITION NO.128/2024
IN
WRIT PETITION NO.4967/2022 (D)**

Hasmukh Ratanshi Thakkar ...Petitioner/Applicant
Versus
Manoj Vishnu Vadolkar and others ...Respondents

....

Mr. Kailas S. Dewal i/b Yash Dewal and Sham Thakur, Advocates for the
Petitioner/Applicant

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CORAM : AVINASH G. GHAROTE, J.

**ORDER RESERVED ON : 27th SEPTEMBER, 2024
ORDER PRONOUNCED ON : 19th OCTOBER, 2024**

P.C.:

1. The application seeks review of the judgment dated 15/07/2024 dismissing Writ Petition No.4967/2022, which had challenged the judgment of the Maharashtra Revenue Tribunal (“MRT”) dated 17/10/2019, upholding the rejection of the application for condonation of delay, which has occurred in filing of an appeal against the order dated 13/04/1970 by the Agricultural Land Tribunal (for short hereinafter “ALT”) before the Sub Divisional Officer, which was filed on 22/05/2017.

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2. Mr. Kailas Dewal, learned counsel for the applicant submits that the judgment dated 15/07/2024 needs to be reviewed on two grounds (1) the applicant, had not participated in the proceedings before the ALT and somebody else was impersonating the applicant/landlord and (2) the applicant/landlord had no information about the order dated 13/04/1970 passed by the learned ALT, as he was not present and there was no communication thereafter regarding the order being communicated to the parties thereto, in spite of a direction, as contained in the said order.

3. Insofar as the plea of impersonation is concerned, in para 8 of the impugned judgment the same has been considered and turned down and that being the position, the same cannot be permitted to be raised again as a ground for review.

4. Insofar as the plea that the applicant/landlord was not aware of the passing of the order dated 13/04/1970 by the learned ALT, for which, reliance is placed upon the last para of the said order, which indicates the parties to be informed accordingly, first of all, there is no statutory obligation upon the authority to communicate the order to the parties. No such provision in the Bombay Tenancy and

Agricultural Lands Act, 1948 has been brought to my notice, which indicates that there is a statutory duty cast upon the authority to do so. That apart, para 7 of the impugned order also records that the subsequent order fixing the purchase price, which also is dated 13/04/1970 records the admission on part of the landlord regarding the tenancy of the tenant on the tillers day and his intention to effect the sale-deed of the land in the name of the tenant, which, in itself is indicative of the fact that the applicant/landlord was not only present but was aware of the proceedings in question before the learned ALT and its decision.

5. Though reliance is placed upon *Maruti Namdeo Gade Vs. Dattatraya Vishnu Maval 1975 SCC OnLine Bom. 118* to contend that the words “date of the order” could be properly construed as the date from which the parties were fixed with the notice of the order, however, in view of the position, as considered in the judgment sought to be reviewed, which holds and records the presence of the landlord on the date of passing of the order itself, the same would not be of any assistance to the learned counsel for the applicant. As already recorded, the presence of the landlord in the proceedings has been duly recorded by the ALT in the order dated 13/04/1970 and in view

of what has been held in *State of Maharashtra Vs. Ramdas Shrinivas Nayak and another (1982) 2 SCC 463* as quoted in para 5 of the judgment under review, in my considered opinion, no ground for review is made out. The review petition (application) is, therefore, rejected. In the circumstances, there shall be no order as to costs.

(AVINASH G. GHAROTE, J.)