



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1967 OF 2022

1. Mr. Ambadas S/o. Shravan Ajmire,
Age 70 years, Occ. Agriculturist
2. Mr. Prakash S/o. Shravan Ajmire,
Age 60 years, Occ. Agriculturist
3. Mr. Bhalchandra S/o. Shravan Ajmire,
Age 58 years, Occ. Agriculturist

1-3 R/o. Inside Ambagate, Near
Vitthal Mandir, Amravati – 444 808.

4. Mr. Prabhakar S/o. Shravan Ajmire,
age 65 years, Occu. Agriculturists
R/o. Village Pimpalkhuta, Tahsil &
Dist. Amravati – 444 709.

All 2 to 4 through their power of attorney
holder Mr. Ambadas Shravan Ajmire.

.... **PETITIONERS.**

// VERSUS //

1. State of Maharashtra through Secretary,
Department of Revenue & Forest.
2. Mr. Chintaman S/o. Bhikaji Wakde,
Age 55 years, Occu- Agriculturist

R/o. Village Pimpalkhuta, Tahsil &
Distt. Amravati – 444 709.

.... **RESPONDENTS.**

Shri P.V.Bansod, Advocate for Petitioners.
Ms Mayuri Deshmukh, A.G.P. for Respondent No.1.
Shri B.B.Raipure, Advocate for Respondent No.2.

CORAM : **ANIL S. KILOR, J.**
DATED : **MAY 02, 2024**

ORAL JUDGMENT :

1. Heard.
2. **RULE.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.
3. The order dated 03/05/2019 rejecting the application for condonation of delay passed by the Maharashtra Revenue Tribunal, Nagpur is under challenge in this writ petition.
4. The petitioner filed a revision under Section 111 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 before the Maharashtra Revenue Tribunal, challenging the order passed by the Sub-Divisional Officer, dated 06/02/2016 reversing the order of the Tahsildar dated 12/10/2012 directing the Talathi to remove the name

of Bhika Sitaram Mahar as a tenant. Since there was a delay of 192 days in filing the revision, an application for condonation of delay was filed along with the same. The said application came to be rejected vide impugned order dated 03/05/2019 passed by the Maharashtra Revenue Tribunal, Nagpur. Hence, this revision.

5. The reasons for rejection of the application were recorded in para No.8 of the order which read thus :

“8) It appears from the record that, the applicants has pleaded A that, they are layman and have no other source of income, and therefore, in that background the record is seen, wherein it appears that, the applicants do not appear to be layman, but are educated and have executed Power of Attorney in English. One of them applicant No. 2 is Doctor. The applicant No. 2 Doctor cannot be said to be a layman. In fact, applicants have suppressed facts, rather misrepresented the facts. The counsel for the applicants had sought time from 26/12/2018 to file additional affidavit in respect of income of applicants with documents, but has not produced the same. Therefore, the grounds of inability or paucity of funds to institute the case is also not supported, as per the allegations in the application, the applicants therefore, do not come before the Tribunal with clean hands and with supportive documents. Besides that, the cost is not paid by the applicants, inspite of time and opportunity granted. Thus, in the above circumstances, I am of the view that, the discretion to condone the delay cannot be exercised in favour of the applicants....”

6. Whereas, if the application is perused, the reasons for condonation of delay stated by the petitioners are as under:

“13. That admittedly the layman applicants are the farmers and the sole source of the income of the applicants is only agricultural activities. There is no other source of income to the applicants other than the agriculture to raise the fund for expenses and professional fees of the advocate. As well as the applicants were busy in their agricultural activities from early summer till complete rainy season in supervision and maintenance of produce sowed till it stabilize.

14. That in the meanwhile in the month of May 2016 the layman applicants approached the Advocate at Nagpur and sought the idea of expenses for filing the revision application, but since that time court vacations were going on applicants were told to come after vacations.

15. That since the mid of June the applicants were very busy in agricultural activities due to timely arrival of the monsoon and whatever the money was available with the applicants that was spend in purchase of seeds and fertilizers and maintenance of the growing Therefore the layman applicants were unable to approach the advocate and also manage amount of expenses and professional fees.

16. That after Dasehara, the layman applicants sold out some produces and arranged the amount of expenses and partial professional fees of the advocate and approached the advocate at Nagpur.

17. That the counsel of the applicants without delay immediately drafted Revision Application and make it ready to file the same today.

18. It be kindly considered that the applicants herein had not intentionally and deliberately delayed this filing of Revision Application, but its occurred due to the reasons stated herein above, which was beyond the control of the appellants.

19. If the delay not condoned and the application, great prejudice would be caused to the appellant on the contrary no sub-judice going to cause the respondents if the instant application allowed.”

7. Thus, after considering the reasons stated by the petitioners in the application for condonation of delay and considering the reasons recorded by the learned Tribunal it is evident that all the reasons stated by the petitioners have not been taken into consideration by the Tribunal.

8. It is a settled law that the Court shall adopt pedantic and pragmatic approach in the matter of condonation of delay.

9. After considering the reasons stated in the application, I am of the opinion that the learned Tribunal has committed an error in rejecting the application, as the petitioners have shown sufficient cause for such delay.

10. In the circumstances, I pass the following order:

- i) The Writ Petition is allowed.
- ii) The impugned order, dated 03/05/2019 passed by the Maharashtra Revenue Tribunal, Nagpur is hereby quashed and set aside and consequently the application for condonation of delay in filing the revision under Section 111 is allowed.

Rule is made absolute accordingly. No order as to costs.

(ANIL S. KILOR, J)

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