



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5636 OF 2021

1. Shri Sahebrao Namdevrao Zade,
Aged about 45 years, Occ. Agriculturist,
R/o Jam Chowk, Samudrapur, Dist.
Wardha
2. Shri Bala @ Krushna Namdevrao Zade,
Aged about 42 years, Occ. Agriculturist
R/o Jam Chowk, Samudrapur, Dist. Petitioners
Wardha

// VERSUS //

1. The Deputy Director of Land Records,
Nagpur Division, Nagpur
2. Superintendent of Lands Records, Wardha
3. City Survey Officer, Office No.1,
Administrative Building, Civil Lines,
Hinganghat, Dist. Wardha
4. Kusum Hiranman Zade
Aged about Major, Occ. Nil
R/o Shastri Ward, Tq. Hinganghat, Dist.
Wardha ... Respondents

Shri P.S.Tidke, Advocate for the petitioner.

Shri B.M.Lonare, AGP for the respondent no. 1 to 3/State.

CORAM : ANIL S. KILOR, J.
DATED : 28th FEBRUARY, 2024.

ORAL JUDGMENT :

Heard. **Rule.** Rule made returnable forthwith. Heard finally by consent of the parties.

2. This writ petition takes exception to the order dated 26th November, 2018 passed by the Deputy Director Land Record, Nagpur, rejecting the application for condonation of delay, for want of prosecution.

3. There was a delay of 80 days in filing the appeal under Section 248 of the Maharashtra Land Revenue Record Code, 1966. However, on a fixed date the petitioners remained absent for hearing on the application for condonation of delay. Accordingly, the application was dismissed for want of prosecution.

4. Thereafter, the present petition was filed on 24th November, 2020 at a belated stage i.e. after two years and the reason for such delay is that the earlier advocate did not inform the order immediately.

5. The learned counsel for the petitioners makes a statement that if the petitioners get an opportunity they would argue the matter without asking for further time in the matter.

6. Considering the nature of dispute involved in this matter, I am of the opinion that, the petitioners shall get an opportunity to argue the application for condonation of delay on merit. Accordingly, I pass the following order.

- i. The writ petition is allowed;
- ii. The impugned order dated 26th November, 2018 passed by the Deputy Director of Land Record, Nagpur Division, Nagpur is hereby quashed and set aside subject to payment of costs of Rs.15,000/- to be payable to the High Court Gazetted Officers' Association, Nagpur within four weeks from today;
- iii. The petitioners shall appear before the Deputy Director of Land Record on **11th March, 2024** at 11 a.m. Thereupon, the Deputy Director of Land Record, Nagpur shall decide the application for condonation of delay after hearing both the parties.

[ANIL S. KILOR, J.]