



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6884 OF 2024

Shermohammad Nurmohammad Baloch Through Its Lrs
Mohammad Amin Shermohammad Baloch

VERSUS

Abdul Sattar Peer Mohammad Baloch And Others

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Mr. P. P. Patni, Advocate for the Petitioner

Mr. R. D. Raje, AGP for Respondents-State

Mr. S. A. Kulkarni, Mr. M. M. Patel and Mr. S. R. Shaikh
Advocates for Respondent nos.1, 2a to 2c

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CORAM : ROHIT W. JOSHI, J.

DATED : 26TH JUNE, 2025

PER COURT :-

. Rule. Rule made returnable forthwith.

2. Heard finally with consent of parties.

3. The petitioner is aggrieved by the order dated 25.06.2024 passed by the respondent no.5, refusing to entertain the appeal preferred by him against order of condonation of delay and registration of appeal passed by the respondent no.3 in case no. क्रमांक/न.भू./अपिल/एस.आर.क्र. ४०६/२०२३.

4. The appeal filed under Section 247 of the Maharashtra Land Revenue Code, 1966 is not entertained placing reliance

on Section 252(a), which provides that an appeal shall not lie from any order admitting an appeal. However, in the present case, the appeal was admitted by condoning the delay. The delay is condoned and appeal is admitted by a common order.

5. The petitioner is aggrieved by part of the order by which delay is condoned. Perusal of Section 247 of the Maharashtra Land Revenue Code, which provides for filing of appeal, states that in the absence of any express provision an appeal shall lie from orders passed by authorities mentioned in first column of schedule 'E' before authorities mentioned in the second column. The provision provides that appeal shall lie from any decision or order passed by Revenue or Survey Officer. The word 'any' as also the word 'decision' widen the scope of the provision.

6. There is nothing to infer that appeal under Section 247 will lie only from a final order rather, Section 251 will make it clear that other than the orders specified in the said provision, other orders will be appealable. It must however be mentioned that innocuous orders which do not decide any substantive issues, will obviously not be appealable.

7. However, in the present case, the respondent no.4 has

condoned the delay of around 37 years. The order certainly is appealable. The respondent no.5 has erred in not entertaining the appeal.

8. The impugned order is therefore quashed and set aside. The respondent no.5 is directed to register the appeal and decide the same in accordance with law.

(ROHIT W. JOSHI, J.)

Rushikesh/2025