

VRJ

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

WRIT PETITION NO.10092 OF 2017

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Dhondji Bapu Raorane,
Deceased by heirs, Ashok Dhondji
Raorane & Ors. ... Petitioners
V/s.
Sunayana Sadashiv Panchal & Ors. ... Respondents

Mr. P. G. Sabnis with Kashmira Khedekar i/by G. J.
Sabnis for the petitioners.

Ms. Savina R. Crasto, AGP for the State.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 4, 2025

P.C.:

1. The State Government, by the impugned order, has allowed the revision application filed by the respondents under Section 257 of Maharashtra Land Revenue Code 1966, on the ground that the appeal filed by the petitioners against an entry effected on 10 January 1981 was filed only in the year 2019. In doing so, the Revisional Authority rightly relied on the statutory mandate of the Limitation Act, 1963, which imposes strict timelines for adjudicatory recourse. Moreover, no sufficient cause was made out by the petitioners to condone the delay in filing the appeal, as required under Section 5 of the Limitation Act. The petitioners failed to discharge the burden of proving a legally cognizable “sufficient cause” for the inordinate delay of nearly four decades, which mandates that delays must be explained with specificity and

corroborative material.

2. The only reason assigned by the petitioners in justifying the delay caused in filing the appeal was lack of notice. However, this plea is untenable in law, as a long-standing entry in the revenue record itself amounts to constructive notice under Section 3 of the Transfer of Property Act, 1882, and the doctrine of notice embedded in property jurisprudence. Entries in revenue records, though not conclusive of title, serve as public notice of claims. Therefore, the delay of more than 40 years in filing the appeal cannot be condoned based on such vague plea, which lacks the specificity. The Revisional Authority, therefore, rightly allowed the revision application filed by the respondents, as the petitioners' inaction reflected gross negligence, rendering their claim stale and inequitable to revive.

3. It is made clear that the dismissal of the petitioners' claim shall not affect their substantive rights over the property, as revenue entries are merely presumptive and do not confer or extinguish title. It shall be open for the petitioners to establish their rights over the immovable property by instituting a suit before the Civil Court, which shall be decided on its own merits, uninfluenced by the findings in this order.

4. The writ petition stands disposed of in the aforementioned terms. All pending interlocutory applications, if any, are disposed of. There shall be no order as to costs.

(AMIT BORKAR, J.)