

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1659 OF 2023

Mahendrasing Balasaheb Shinde & Ors. ... Petitioners

V/s.

Shrimant Ramraje Gangadharrao
Patwardhan & Ors. ... Respondents

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Mr. Mankapure with Nilesh Wable for the petitioners.

Mr. Ajit Kenjale with Azharuddin Khan for respondent
Nos.3 to 7.

Mr. Chaitany B. Nikte with Mr. Ritvij Kale i/by Prajit S.
S. for respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 26, 2025

P.C.:

1. The present Writ Petition assails the legality and validity of an order passed by the Maharashtra Revenue Tribunal (hereinafter referred to as the "MRT") rejecting the Petitioner's revision application on the ground of an inordinate delay of seven years and two months from the date of the earlier order dated 14 March 2014. The Petitioner seeks to explain this long delay and prays for condonation thereof.

2. At the outset, it is noteworthy that the Petitioner's earlier revision application before the MRT came to be dismissed as withdrawn on 14 March 2014. The reason proffered at that

juncture was that the Petitioner and the opposing party had purportedly resolved their disputes amicably outside the court. By reason of this development, the Petitioner expressly sought permission to withdraw the revision, which was accordingly dismissed as withdrawn. No further proceedings were then pursued for a considerable period of over seven years.

3. In the impugned order under challenge, the MRT refused to condone the delay primarily on the ground that once a matter has been withdrawn, it cannot be revived at the instance of the same party without demonstrating sufficient cause or showing exceptional circumstances recognized in law. The Petitioner had been unable to furnish any cogent explanation for such a protracted delay of seven years and two months.

4. In my considered view, the MRT has acted within the bounds of law in declining to condone the delay. The principle that “once a matter has been dismissed as withdrawn, it cannot thereafter be re-agitated unless fresh proceedings are lawfully instituted or a recognized legal remedy for restoration is resorted to,” is well established. Courts have consistently held that a litigant who has withdrawn proceedings of their own volition must demonstrate compelling or exceptional reasons to seek revival.

5. As regards the contention of the Petitioner that the dispute was amicably settled earlier, it must be emphasized that upon withdrawal of the revision application on account of settlement, the Petitioner thereby represented to the Tribunal that he no longer intended to prosecute the revision. It is beyond dispute that

any attempt to reopen the matter after a lapse of over seven years, without showing sufficient or extraordinary cause, does not stand the scrutiny of law or equity.

6. The Petitioner's plea for condonation of delay has been rightly disallowed by the MRT, as there is no adequate explanation for the prolonged and inordinate delay. No material has been placed on record to establish that the Petitioner was prevented by circumstances beyond his control from filing an application or taking recourse to another remedy in a timely manner. Moreover, in the absence of any jurisdictional error, perversity, or manifest injustice, this Court ordinarily does not interfere in the orders passed by the MRT.

7. Hence, I am not persuaded that any interference is warranted. The MRT's order does not suffer from any legal infirmity or patent error warranting the exercise of this Court's extraordinary jurisdiction. The Writ Petition is, therefore, dismissed. There shall be no order as to costs.

(AMIT BORKAR, J.)