

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4199 OF 2024

Nivrutti Baliram Patil & Ors.

.. Petitioners

Versus

Namdev Rajaram Patil & Ors.

.. Respondents

.....

- Mr. Pradeep Thorat a/w Mr. Paresh S. Mankad i/by Mr. Pravin D. Kadam & Ms. Sonam More, Advocates for Petitioners
- Mr. S.G. Karandikar i/by Mr. J.M. Joshi, Advocates for Respondent Nos. 1 to 6

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CORAM : MILIND N. JADHAV, J.

DATE : JULY 24, 2025

P. C.:

1. Heard Mr. Thorat, learned Advocate for Petitioners and Mr. Karandikar, learned Advocate for Respondent Nos. 1 to 6.

2. By virtue of the impugned order dated 14.12.2022, Revision filed by Petitioners before learned Maharashtra Revenue Tribunal (for short "**MRT**") has been rejected on the ground of delay. The condonation of delay Application stands rejected. Delay is of 3 years and 11 months but giving the benefit of Covid-19 pandemic period in view of the extant orders passed by the Supreme Court in Suo Motu Writ Petition (C) No. 3 of 2020 and companion matters, the delay would be reduced to 2 years and 5 months.

3. The principal submission made by Mr. Thorat is that when the original proceedings were filed by principle contesting Respondents,

they were not made party to the said proceedings filed under Section 70(b) of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (for short "**said Act**") whereas another branch of Petitioners' family were made party. It is submitted that it is only when they realized about passing of the order, they challenged the 70(b) order. Be that as it may that would be an issue to be agitated on merits of the matter before the Competent Authority or before the Revisional Authority. The only issue before me is with respect to condonation of delay in filing the Revision against the order of SDO.

4. Mr. Karandikar has drawn my attention to the impugned order wherein it makes a passing remark that Petitioners ought to approach the Civil Court to agitate their substantive rights. He would submit that this Court should not intervene or indulge even in the challenge maintained to rejection of delay condonation Application. Since the Petitioners have filed Revision proceedings along with the Application, they are to be determined on their own merits separately in accordance with law. The reasons for condonation of delay have been stated in the Application. Non-consideration of the said reasons primarily on the ground of merits will oust the Petitioners at the threshold itself. Reasons for the delay are required to be looked into by the Court in view of the substantive guidelines given by the Supreme Court after assessing a plethora of cases with respect to

condonation of delay in the case of *Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & Ors.*¹ as stated in paragraph No. 20 and read with the additional guidelines stated in paragraph No. 21 thereof. Without expressing any opinion on merits as to the substantive rights of the Petitioners before me, on perusing the Application for condonation of delay, Petitioners deserve to agitate their Revision proceeding before the Revision Court in accordance with law. The delay of 2 years and 5 months in the present case is overlapped with the delay during the Covid-19 pandemic period. Since the delay of 2 years and 5 months was prior to the Covid-19 pandemic period, undoubtedly immediately thereafter there was difficulty on the part of Petitioners to file the necessary proceedings and delay condonation application. In that view of the matter, I am inclined to accept the submissions made by Mr. Thorat and condone the delay of 2 years and 5 months. Hence, delay of 2 years and 5 months is condoned subject to payment of costs of Rs. 2000/- to the High Court Employees Medical Welfare Fund at Mumbai in its Account No. 000120110001337 in Bank of India, Mumbai (Main Branch) [IFSC Code : BKID0000001] within a period of two weeks from today.

5. Impugned order dated 14.12.2022 is quashed and set aside.

¹ (2013) 12 SCC 649

6. Statement made by Mr. Thorat that Petitioners shall not press prayer relating to Tenancy Appeal No. 53/2021 before the MRT when the restored Revision Application is heard on its own merits and in accordance with law is accepted.
7. Writ Petition is allowed and disposed in the above terms.

Amberkar

[MILIND N. JADHAV, J.]

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