

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12820 OF 2025

Parvatibai Maruti Chavhan and anr. ...Petitioners

Versus

State of Maharashtra and ors. ...Respondents

Ms. Anita Bhaktwani, for the Petitioners.

Ms. P. J. Gavhane, AGP for the State – Respondent No.1.

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CORAM: N. J. JAMADAR, J.
DATED: 9th OCTOBER, 2025

Oral Order:-

1. Heard the learned Counsel for the petitioners.
2. The challenge in this petition is to an order passed by the learned President, MRT, Mumbai, whereby a revision application preferred against a judgment and order dated 5th March, 2021 passed by the Sub-Divisional Officer, Bhivandi, in Tenancy Appeal No.58 of 2020, came to be dismissed.
3. By the said order, the Sub-Divisional Officer had rejected the application preferred by the petitioners to condone the delay of 54 years in filing an appeal against an order dated 23rd May, 1968 deleting the entry of the name of the predecessor-in-title of the petitioners as a protected tenant of the subject land.

4. The Sub-Divisional Officer was of the view that the petitioners had not ascribed any justifiable reason for condonation of huge delay of 54 years.

5. Ms. Bhaktwani, the learned Counsel for the petitioners, submitted that the petitioners were not aware of the said order in TNC/20/05/65. The petitioners became aware of the said deletion of the name of the predecessor-in-title of the petitioners in the year 2019, when the respondents started to disturb the possession of the petitioners over the subject land. The said order was obtained fraudulently.

6. I have carefully perused averments in the application for condonation of delay. Since a submission was made that the order whereby the name of the predecessor-in-title of the petitioners was unlawfully deleted from the record of rights of the subject land, the Court was anxious to find out the reasons ascribed by the petitioners in the application for condonation of delay.

7. The application is conspicuously silent about the circumstances which precluded the petitioners from filing the appeal against the said order and the cause for condonation of delay. In fact, no reason has been ascribed in the application. The entire application was directed against the merits of the

order of deletion of the name of the predecessor-in-title of the petitioners from the record of rights of the subject land.

8. The delay is inordinate. In the absence of any explanation to account for such huge delay of 54 years, the Sub-Divisional Officer was justified in rejecting the application for condonation of delay.

9. A useful reference, in this context, can be made to a recent judgment of the Supreme Court in the case of *H. Guruswamy and others vs. A. Krishniah since deceased by LR(s)*¹, wherein the Supreme Court expounded as to how and when the merits of the matter may come into play while deciding an application for condonation of delay, as under:

“16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the

1 2025 SCC Online SC 54.

merits of the matter for the purpose of condoning the delay.”
(emphasis supplied)

10. The submission on behalf of the petitioners that the petitioners were unaware of the said order of deletion of name dated 23rd May, 1968, cannot be readily acceded to. It becomes evident that the names of respondent Nos.1 to 12 and their predecessor-in-title were mutated to the record of rights of the subject land, and the said subject land changed hands multiple times, and the names of successive transferees have been mutated to the record of rights. It, therefore, does not stand to reason that the petitioners have had no occasion to know the deletion of the name of their predecessor-in-title, till the year 2019.

11. In the aforesaid view of the matter, this Court does not find any reason to entertain the petition.

12. The petition stands disposed.

[N. J. JAMADAR, J.]