

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13074 OF 2025

Kaluram Ragho Bhoir & Ors.

.. Petitioners

Versus

Devikibai Savalaram Thakur & Ors.

.. Respondents

.....

- Mr. Sahil A. Pandire, Advocate for Petitioners
- Ms. V.R. Raje, AGP for State

.....

CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 13, 2025

P. C.:

1. Heard Mr. Pandire, learned Advocate for Petitioners and Ms. Raje, learned AGP for State.

2. Present Petition filed in the year 2025 impugns the order dated 02.07.2016 passed by State in second Revision proceedings. The issue emanates from RTS proceedings filed by Petitioners. Petitioners claim to derive rights through one Sakhubai Bhoir who was the daughter of one Mr. Kashinath Balu Chonkar. Dispute is between the Petitioners and Thakur family who claims to have perfected their title in the subject land being the adopted son of Mr. Kashinath Balu Chonkar since he had no son. Incidentally Mr. Kashinath had two daughters and Petitioners claim to derive rights through one of the daughters. *Prima facie* these are the disputed questions of facts. First mutation entry is of 1977 whereby the names of Kashinath and his two

daughters were entered into the revenue record. However subsequently on 20.08.1994 subsequent mutation entry was passed bearing entry No. 2277 on the basis of confirming possession of subject land with Savalaram Thakur who was the adopted son of deceased Kashinath. However while confirming the said mutation entry name of one of the daughter of deceased i.e. Motibai was shown from 1994 until 2003 and there was no change to the mutation entry. However for the first time in 2003, Petitioners challenged the mutation entry on the basis that he was successor-in-title of his predecessor claiming through Motibai. RTS proceedings was allowed by the Sub-Divisional Officer on 17.03.2006. It was contested in the First Appeal before the Deputy Collector and subsequently before the Additional Commissioner by the private Respondents.

3. It is seen that all three Authorities are in favour of Petitioners but by virtue of the order in Revision, State has upset all three orders. The primary ground which does not find favour with the Court is the gross delay and laches in approaching this Court. Present Petition is filed after a hiatus of almost 9 & 1/2 years to challenge the order dated 02.07.2016. There is no ground that can be considered by Court for condoning such enormous and humongous delay. Delay in the first instance has also occurred when between 1994 and 2003, Petitioners have not approached the Statutory Authorities at the then

time. Delay has occurred after passing of the impugned order in 2016. There is no explanation for such delay. Such conduct of Petitioners does not entitle them to maintain the present Petition. Needless to state that substantive rights of Petitioners in the subject land are kept open for them to agitate in an appropriate Civil Court having original jurisdiction as available to them in law. Without giving any imprimatur on merits, on the ground of delay as recorded herein above, present Petition is dismissed.

4. Petition is dismissed and disposed.

[MILIND N. JADHAV, J.]

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