



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAO) NO. 810 OF 2025

IN

MISC. CIVIL APPLICATION (MCA) ST. NO. 11474 OF 2025

IN

WRIT PETITION NO. 846 OF 2025 (D)

Umesh S/o. Laxman Ghawat

Vs.

Additional Commissioner, Amravati Division, Amravati & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Mangesh V. Bute, Advocate for the Applicant.

Mr. K.R. Lule, AGP for the Non-applicant/State.

CORAM : ANIL L. PANSARE, J.

DATE : 8th AUGUST, 2025.

By the present application, the applicant/original petitioner seeks to condone delay of 39 days in filing an application seeking review of the order passed by this Court.

2. The learned counsel for the applicant/petitioner submits that the applicant could not approach the counsel in time, he being an agriculturist and required to attend the sowing work.

3. That being so, though the learned A.G.P. has opposed the application on the count that delay is not justified, considering the fact that the applicant/petitioner was compelled to indulge into agricultural activities and since the delay is trivial, same is condoned. The application is disposed of accordingly. Misc. civil application be registered.

MISC. CIVIL APPLICATION (MCA) ST. NO.11474 OF 2025

4. The order sought to be reviewed reads as under:

“On 17.02.2025, following order was passed.

“The petitioner has challenged order dated 9/9/2024 passed by the Additional Commissioner, Amravati Division, Amravati, in Revision Application No. 187/RTS-59/Ghurswadi/Akola/2023, thereby upholding order of Additional Collector, Akola, who has set aside order of the Sub-Divisional Officer, Akola.

2] The issue arises out of the mutation entry, which, according to the petitioner, was certified by the Talathi in his favour on the basis of sale deed executed by one Shobha Patkar in his favour.

3] The learned Counsel for the petitioner submits that the original owner of the property under question is/was respondent no.6 – Shaligram Maroti Ghawat (now represented by legal representatives). He sold the property to one Mr. Rajkumarji Bhise, who, in turn, allotted the property to Shobha by way of oral partition, which, though recognized by the Talathi, but not by the Additional Collector and the Additional Commissioner.

4] The learned Counsel for the petitioner seeks time to place on record partition deed, which, though not registered, was allegedly executed by Rajkumarji Bhise in favour of Shobha Patkar and also to place on record judgment of this Court. Granted.

5] Stand over to 20/2/2025.”

2. As could be seen, counsel for the petitioner sought time to place on record partition deed which, though not registered, was allegedly executed by Rajkumarji Bhise in favour of Shobha Patkar and also to place on record judgment of this Court.

3. Counsel for the petitioner submits that the partition deed is not available with the petitioner. He has further not produced copy of judgment, which speaks volumes about the petitioner's conduct. In other words, there is no merit in the petition.

4. The writ petition is dismissed. No order as to costs."

5. As could be seen, the applicant/petitioner failed to produce partition deed as also the judgment.

6. The learned counsel for the applicant/petitioner submits that the partition deed being old document was not available. He has tendered across the bar the judgment of the Hon'ble Supreme Court in the case of ***Digambar Adhar Patil Vs. Devram Girdhar Patil (died) and another [AIR 1995 SC 1728]*** to contend that the oral partition is permissible.

7. The question before the Court was not as regards whether the partition was oral or not. The oral partition is well recognized. The question, however, was whether unregistered written partition is admissible in evidence. The law is well settled on this point. Such partition is compulsorily registrable. The judgment cited by the applicant will be, therefore, of no consequence.

8. The order passed by the Court, which is reproduced above, indicates that the learned counsel for the applicant/petitioner sought time to place on record the partition deed allegedly executed by Rajkumarji Bhise in favour

of Shobha Patkar. On the next day, i.e., the day on which the order was passed, the counsel submitted that the partition deed is not available.

9. That being so, it cannot be said that there is error apparent on record or that there is any other sufficient ground to review the order. The application is accordingly rejected.

(ANIL L. PANSARE, J.)

Vijaykumar