IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 WRIT PETITION NO. 15642 OF 2026

NAVNATH LAXMAN KUMBHAR AND ANOTHER
VERSUS
THE SUB DIVISIONAL OFFICER KARJAT AND OTHERS
...
Advocate for the Petitioners : Mr. S.b. Solanke And B.t. Bodkhe
AGP for Respondents/State : Mr. K.S. Patil
...

CORAM : MANJUSHA DESHPANDE, J.

DATE : 03.11.2026

PER COURT :

1. Heard the learned Advocate for the petitioners and the learned AGP for respondents- State.

2. Since the petitioners have raised a issue about the limitation in the present Writ Petition, and prays that in view of the same, without issuing notice to the other contesting respondents, it may be decided by remanding the matter back to the Sub Divisional Officer. It is the contention of the petitioners that, in response to the application filed by respondent No. 3, under Section 5 (2) of the Mamlatdar Courts Act, the petitioners have filed their Written Statement. The application was decided by the Tahsildar, Karjat, vide order dated 14.06.2021. While deciding the application, the Tahsildar has held that the application is not filed within the limitation prescribed under the Mamlatdar's Court Act. In spite of the fact that, the point of limitation was answered in the affirmative, the Tahsildar has passed the order on merit allowing the

application filed by respondent No. 3. It is submitted that against this application, which was decided on 14.06.2021, the petitioners have approached the Sub Divisional Officer, Karjat, by way of Revision on 06.02.2026 which was much beyond the period of 30 days provided under the Mamlatdar Courts Act. He submits that admittedly no application for condonation of delay has been filed alongwith the Revision Application, therefore, an opportunity to file application for condonation of delay ought to have been granted by the learned Sub Divisional Officer, Karjat. However, without granting an opportunity for explaining the delay, in filing the Revision, the Sub Divisional Officer has decided the Revision Application on merit vide order dated 09.06.2026, thereby the Revision filed by the petitioners has been dismissed and the order passed by the Tahsildar has been confirmed. Upon perusal of the order of Tahsildar, it is apparent that though the application filed by respondent No. 3 was not within a period of limitation of 6 months after cause of action has arisen, the application has been entertained and order is passed on 14.06.2021.

3. It is submitted that the Sub Divisional Officer after filing of the Revision has granted ad-interim stay to the implementation and execution of the order passed by the Tahsildar vide his order dated 09.04.2026, which according to the petitioners continued till the decision in the Revision on 09.06.2026.

4. Since there is delay in filing Revision and an opportunity for

explaining the same has been denied by the Revisional Authority, the Writ Petition can be disposed of by granting an opportunity to the petitioners to file application for condonation of delay, hence I pass following order :

ORDER

(i) The order passed on 09.06.2026, passed by the Sub Divisional Officer, Karjat is quashed and set aside.

(ii) The matter is remanded back to the Sub Divisional Officer, Karjat by granting an opportunity to the petitioners to file an application for condonation of delay, in filing of the Revision and the Revisional Authority shall consider the said application filed by the petitioners and after hearing that application the Revisional Authority shall pass appropriate order on the application as well as on the Revision filed by the petitioners.

(iii) With the aforementioned directions, the Writ Petition is disposed of.

(iv) In view of the interim relief granted by the Sub Divisional Officer, that was continued till 09.06.2026, the interim relief granted by the Sub Divisional Officer shall continue for a further period of four weeks, till the petitioners files application for condonation of delay.

(MANJUSHA DESHPANDE, J.)

Mahajansb/