Shabnoor

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8544 OF 2018

SHABNOOR AYUB PATHAN

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Shanu Janya Mhatre & Ors. … Petitioners

V/s.

M/s Jasa Lumbaji Co.,
Through Its Partner … Respondent

Mr. Chintan Shah a/w Rohan Chaughule, for the Ptitioners.

CORAM : AMIT BORKAR, J.

DATED : AUGUST 17, 2026

P.C.:

1. The challenge in the present petition is to the order passed by the Authorities below, whereby the petitioners' application seeking condonation of delay of 47 years in filing the appeal against the order passed in the year 1959 came to be rejected. The petitioners have also challenged the said adverse order passed in the year 1959. It is submitted that in the earlier round of litigation, certain directions were issued to the Authorities under the Act for considering the petitioners' application for condonation of delay.

2. However, the fact remains that the order passed in the year 1959 was given effect to in the revenue record. Therefore, the petitioners cannot claim that they were unaware of the existence of the said order since 1959. The petitioners were, therefore, required to show sufficient and compelling reasons for seeking condonation of such a long delay of 47 years.

3. Though the orders passed by the Authorities under the Act may not have been happily worded, that by itself would not justify exercise of the extraordinary writ jurisdiction of this Court for reopening proceedings which stood concluded in the year 1959. No sufficient ground is made out for interference.

4. The petition is, therefore, dismissed.

5. There shall be no order as to costs.

(AMIT BORKAR, J.)