



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6032 OF 2026**

Atmaram Govind Parab and Ors. ... Petitioners
versus
Anant Atmaram Dalvi and Ors. ... Respondents

Mr. P.G.Sabnis, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 4 MAY 2026

ORDER :

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to a judgment and order dated 13 January 2026 passed by the Maharashtra Revenue Tribunal (MRT), Mumbai, in TNC/REV/SND/108/2024, whereby the revision application preferred by Respondent No.1 against the order passed by the Sub-Divisional Officer (SDO) in Application No.5 of 2019, thereby condoning the delay of 51 years in assailing the order passed by the Agricultural Lands Tribunal (ALT), under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (the Act, 1948) was condoned, came to be allowed and the application for condonation of delay preferred by the Petitioners stood dismissed.
3. The Petitioners claimed that, Respondent Nos.2 and 3 were the original holders of the land bearing Survey No.140, Hissa No.10, situated at Village Bharani, Taluka Kudal, Dist. Sindhudurg (the subject land). The Petitioners

were the tenants in respect of the subject land as well as other lands held by the same landlord. Many of those lands were sold to the Petitioners under Section 32G of the Act, 1948. However, the purchase in respect of the subject land remained to be effected.

4. The Petitioners assert, taking undue advantage of the situation, Respondent No.1 in collusion with the revenue authorities, obtained an order under Section 32G of the Act, 1948 on 31 December 1964, behind the back of the Petitioners. Respondent No.1 has no concern whatsoever with the subject land. Surreptitiously, entries were made in the record of rights in respect of the subject land. When Respondent No.1 started to disturb the possession, and cultivation of the subject land by the Petitioners, enquires were made and it transpired that the Respondent No.1 had obtained sham and bogus order under Section 32G of the Act, 1948. Hence, the Petitioners preferred an appeal alongwith an application for condonation of delay. By an order dated 12 July 2024, the Sub-Divisional Officer was persuaded to condone the delay by observing that the Petitioners ought to get an opportunity to establish their right over the subject land.

5. Being aggrieved, the Respondent No.1 preferred a Revision before the MRT, Mumbai. By the impugned order, the learned Member, MRT, was persuaded to allow the revision opining that the Sub-Divisional Officer committed an error in condoning the delay without satisfying himself that the

Petitioners had succeeded in demonstrating the sufficient cause for condonation of huge delay of 51 years. Nor the reason ascribed by the Petitioners could account for such huge delay.

6. Mr. Sabnis, learned Counsel for the Petitioners, submitted that the revisional authority could not have interfered with the order passed by the appellate authority condoning the delay in preferring an appeal. The Petitioners were not at all aware of the order passed by the ALT under Section 32G of the Act, 1948. No sooner the Petitioners became aware of such proceedings and order therein, they preferred an appeal. An endeavour was made by Mr. Sabnis to drive home the point that the Petitioners and their predecessors in title have been in continuous possession and cultivation of the subject land.

7. Having heard the learned Counsel for the Petitioners and perused the record, this Court finds that the revisional authority has rightly corrected the error committed by the SDO. Incontrovertibly, the delay of 51 years in assailing the order passed by the ALT under Section 32G of the Act, 1948, can only be said to be inordinate. It defies comprehension that for 51 long years, the Petitioners and their predecessor in title had no occasion to verify the record of rights of the subject land. It was, thus, incumbent upon the SDO to evaluate the reasons ascribed for the delay on the touchstone of the sufficiency.

8. In the application, the only reason that can be found is that, on account of the lack of knowledge and devious acts of the Respondent No.1, the appeal could not be preferred. Instead of examining the sufficiency of the cause so ascribed, the SDO proceeded to condone the delay on the ground that the Petitioners deserve an opportunity to establish their right over the subject land.

9. The revisinal authority was, thus, justified in recording that the SDO committed a manifest error in not examining the sufficiency of cause ascribed by the Petitioners. It is trite, the delay cannot be condoned as a matter of course or act of generosity. Nor can merits of the case be permitted to influence the decision where a person seeking condonation of delay fails to ascribe justifiable reasons for the same.

10. A profitable reference in this context can be made to a recent judgment of the Supreme Court in the case of **Thirunagalingam v. Lingeswaran**¹, wherein the Supreme Court has cautioned against condonation of huge delay as an act of generosity. The observations in paragraphs 31 and 32 read as under :

“31. It is a well-settled law that while considering the plea for condonation of delay, the first and foremost duty of the court is to first ascertain the bona fides of the explanation offered by the party seeking condonation

1 2025 INSC 672.

rather than starting with the merits of the main matter.

Only when sufficient cause or reasons given for the delay by the litigant and the opposition of the other side is equally balanced or stand on equal footing, the court may consider the merits of the main matter for the purpose of condoning the delay.

32. Further, this Court has repeatedly emphasised in several cases that delay should not be condoned merely as an act of generosity. The pursuit of substantial justice must not come at the cost of causing prejudice to the opposing party. In the present case, the respondents/defendants have failed to demonstrate reasonable grounds of delay in pursuing the matter, and this crucial requirement for condoning the delay remains unmet.” (emphasis supplied)

11. In the case of **H. Guruswamy and others vs. A. Krishnaiah since deceased by LR(s)**² the Supreme Court again emphasised that the concepts of, “liberal approach”, and “substantial justice” should not be employed to frustrate the law of limitation. It was enunciated that the length of the delay is definitely a relevant matter which the Court must take into consideration while deciding whether the delay should be condoned or not. The observations of the Supreme Court in paragraphs 13 to 17 are instructive and, hence, extracted below:

2 2025 SCC OnLine SC 54.

“13. We are at our wits end to understand why the High Court overlooked all the aforesaid aspects. What was the good reason for the High Court to ignore all this? Time and again, the Supreme Court has reminded the District judiciary as well the High courts that the concepts such as “liberal approach”, “Justice oriented approach”, “substantial justice” should not be employed to frustrate or jettison the substantial law of limitation.

14. We are constrained to observe that the High Court has exhibited complete absence of judicial conscience and restraints, which a judge is expected to maintain while adjudicating a lis between the parties.

15. The rules of limitation are not meant to destroy the rights of parties. They are meant to see that the parties do not resort to dilatory tactics but seek their remedy promptly.

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 merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."

(emphasis supplied)

12. The aforesaid being the position in law, this Court does not find any reason to take a different view of the matter than the one taken by the revisional authority.

13. The Writ Petition, thus, stands dismissed.

(N.J.JAMADAR, J.)