

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3135 OF 2008

RAJARAM GOPAL MHASKAR (D) BY LRS.

...APPELLANT(S)

VERSUS

MOTIRAM JAGNNATH BHOIR & ORS

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

The appellant who is a tenant has moved this Court against the order dated 16.07.2004 passed by the Bombay High Court exercising its writ jurisdiction whereby the order passed by the Maharashtra Revenue Tribunal, Bombay has been set aside and the orders passed in appeal and in a proceeding under Section 32(F) of the Bombay Tenancy and Agricultural Land Act, 1948 (hereinafter referred to as 'the said Act') have been restored.

The land in question is an agricultural land bearing Survey No. 43, Hissa No. 0 and Survey No. 49, Hissa No. 0, admeasuring 20 acres 8 gunthas and 16 acres 4 gunthas respectively of village Akurle, Taluka Panvel, District Raigad in the State of Maharashtra. Indisputably, the respondent-landlord attained majority in the year 1962. As per the provisions of the said Act,

if a tenant desires to purchase the tenanted holding, he shall have to give intimation within two years from the date the landlord attains majority. Admittedly, in the instant case, intimation was given by the appellant after about 15 years from the date the landlord attained majority. The application filed by the respondent-landlord under Section 32(F) of the said Act was dismissed and in appeal the said order was reversed. The appellant moved in revision, was allowed and the matter was remanded back to the authority namely the Tahsildar for further enquiry. Upto the appellate stage the order under Section 32(F) was passed in favour of the respondent-landlord. However, when the matter came to the Tribunal, it reversed the order and held that the provisions of Section 32(F) will have retrospective effect and there was no necessity for the tenant to send intimation under Section 32(F) of the said Act. As against the said order, the respondent-landlord moved to the Bombay High Court.

Taking into consideration the admitted fact that the intimation, as required under Section 32(F) of the said Act, was given by the tenant after about 15 years from the date when the respondent-landlord became major and relying upon the decision of this Court in Anna Bhau Magdum v. Babasahed Anandrao Desai 1995 (5) SCC 343, the High Court came to the conclusion that the Tribunal has taken a wrong approach in allowing the revision application filed by the appellant.

After hearing the learned counsel for the parties and considering the issue decided by this Court in Anna Bhau Magdum (*supra*), we are not inclined to interfere with the impugned order passed by the High Court.

The appeal is, accordingly, disposed of.

.....J.
(M.Y. EQBAL)

.....J.
(SHIVA KIRTI SINGH)

New Delhi;
February 10, 2015.

ITEM NO.103

COURT NO.9

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3135/2008

RAJARAM GOPAL MHASKAR (D) BY LRS.

Appellant(s)

VERSUS

MOTIRAM JAGNNATH BHOIR & ORS.

Respondent(s)

Date : 10/02/2015 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.Y. EQBAL
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Appellant(s) Ms. Manisha T. Karia, Adv.

For Respondent(s) Mr. Shivaji M. Jadhav, Adv.
Ms. Divya Sharma, Adv.UPON hearing the counsel the Court made the following
O R D E R

The Civil Appeal is disposed of in terms of the signed order.

(Ashwani Kumar)
COURT MASTER(Indu Pokhriyal)
COURT MASTER

(Signed order is placed on the file.)