

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5027 OF 2018
(Arising out of SLP(C) No. 14548/2017)

ASHITOSH SHRIPADRAO MAHAVARKAR
& ORS. PETITIONER(S)

VERSUS

THE STATE OF MAHARASHTRA & ORS. RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal is directed against the order passed by the High Court of Judicature at Bombay Bench at Aurangabad in Writ Petition No. 11172 of 2014, dated 01.12.2016, wherein the High Court has condoned the delay of 25 years, 7 months and 23 days while entertaining a petition under Article 227 of the Constitution against the order of the Maharashtra Revenue Tribunal, Aurangabad.
3. Heard learned counsel for the parties.

4. Initially, the Deputy Collector (General Administration) Hingoli had refused to condone the delay of 25 years, 7 months and 23 days. The impugned order is questioned by the appellants who had purchased the land in question by registered sale deeds.

5. In our view, the order condoning the delay is perfunctory and passed without taking into account the scanty explanation for delay in the application for condonation of delay. The application for condonation of delay neither give any explanation as to why respondent No. 3-herein was not aware of the mutation entry, nor explain when respondent No.3 came back to his native place and when he was able to know about the mutation entry. We find that the said respondent did not disclose sufficient cause for condonation of delay.

6. We, accordingly, set aside the impugned order.

7. The appeal is allowed accordingly.

.....J.
[S.A. BOBDE]

.....J.
[L. NAGESWARA RAO]

NEW DELHI,
MAY 11, 2018.

ITEM NO.45

COURT NO.7

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 14548/2017

(Arising out of impugned final judgment and order dated 01-12-2016 in WP No. 11172/2014 passed by the High Court Of Judicature At Bombay At Aurangabad)

ASHITOSH SHRIPADRAO MAHAVARKAR AND ORS.

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA AND ORS.

Respondent(s)

Date :11-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE

HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Vivek C. Solshe, Adv.
Mr. C.G. Solshe, AOR

For Respondent(s) Mr. Subodh S. Patil, AOR

Mr. Prashant S Kenjale, Adv.

Mr. Nishant, Adv.

Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed
order[Charanjeet Kaur]
A.R.-cum-P.S.[Indu Kumari Pokhriyal]
Asstt. Registrar

[Signed order is placed on the file]