

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.2395 OF 2014**

Kathari Shimgya  
Since deceased through his heir & Anr. ....Petitioners.  
Versus  
Nishikant Madhukar Adurkar & Ors. ...Respondents.  
Since deceased through his heirs and  
Legal Representatives & Ors.

Mr. Nitin P. Dalvi, advocate for the Petitioners.  
Mr. P.S.Dani i/by Mr. Sandesh Dadasaheb Patil, advocates for the  
respondent nos.1A and 1B.

**CORAM : RANJIT MORE, J.**

**DATED : August 28, 2014.**

**P.C.:**

Heard.

2           By the impugned order, the learned President of the  
Maharashtra Revenue Tribunal, Mumbai has condoned the delay of  
approximately 5 years occurred in filing the revision.

3           In paragraph 4 of the application for condonation of delay, the  
respondents have averred that simultaneous proceedings were going on  
in respect of the suit land between the same parties and, therefore, it was

advised that it was not necessary for them to take steps in respect of the judgment and order passed in tenancy proceedings.

In paragraph 5 of the said application, the respondents have averred that they are rustic and illiterate persons and they were not aware of the remedies. Averment is also made that due to ill advice, they did not file revision until the advocate advised them to do so.

4 In paragraph 9 of the impugned order, the learned President of the Maharashtra Revenue Tribunal, Mumbai observed that there was no reason to disbelieve the case of the respondents that since there was ill advice, till the advocate in writ petition advised them, they were not aware that they should have filed revision against the order of Deputy Collector in tenancy matter and in consonance with these observations, condoned the delay. Thus, the learned President satisfied that the sufficient explanation for condonation of delay has given and thereafter, condoned the delay in exercise of his discretion. The Apex Court in the case of **Indian Oil Corporation Ltd. & ors. Versus Subrata Borah Chowlek (2010) DGLS (soft) 2285** held that once, the delay is condoned in exercise of discretion, superior Court should be slow in interfering in the same.

5           In the above facts and circumstances, I am not inclined to interfere with the impugned order in writ jurisdiction of this Court under Article 227 of the Constitution of India. The Petition is, therefore, dismissed.

**(RANJIT MORE, J.)**