

Supreme Court of India

Warlu vs Gangotribai on 23 February, 1993

Equivalent citations: 1994 AIR 466, 1995 SCC Supl. (1) 37

Author: J S Verma

Bench: Verma, Jagdish Saran (J)

PETITIONER:

WARLU

Vs.

RESPONDENT:

GANGOTRIBAI

DATE OF JUDGMENT 23/02/1993

BENCH:

VERMA, JAGDISH SARAN (J)

BENCH:

VERMA, JAGDISH SARAN (J)

JEEVAN REDDY, B.P. (J)

VENKATACHALA N. (J)

CITATION:

1994 AIR 466

1995 SCC Supl. (1) 37

ACT:

HEADNOTE:

JUDGMENT:

## ORDER

1. The appellant, Warlu, made an application before Addl. Tahsildar, Hinganghat, District Wardha in State of Maharashtra for a declaration that he was a tenant of Survey Nos. 7, 8 and 9 of Village Anatargaon. That application was registered as Revenue Case No. 12. Appellant, Warlu, claimed to be a tenant by virtue of a lease granted in his favour by Subhadra and Ahilya, daughters of Mahadeorao through his second wife Parvatibai. On the other hand, Gangotribai, the first wife of Mahadeorao filed an application registered as Revenue Case No. 1 before the Addl. Tahsildar for a declaration that Warlu and Keshao were not tenants, the right which they claimed in Revenue Case No. 12. In addition to these two revenue cases, there were two other cases registered as Revenue Case Nos. 2 and 4 which arose out of references made by the civil court for deciding the claim of Laxman, Tulshiram and Bani who claimed to be tenants of the same lands through Gangotribai. These applications were heard and decided by a common order made by the Addl. Tahsildar who

accepted Warlu's claim of being the tenant of these lands. Against the common order, made by the Addl. Tahsildar, appeals were filed to the Special Deputy Collector (Land Reforms), Wardha. In appeal, it was held that the owner was Gangotribai and not Subhadra and Ahilya and, therefore, the claim made by Warlu as tenant of these lands was rejected; and the two references made by the civil court were remanded to the Addl. Tahsildar for inquiry and fresh decision in accordance with law. Thereafter, three revisions arising out of these revenue cases were filed before the Revenue Tribunal by Warlu. These revisions were dismissed.

2. The appellant, Warlu, then filed three Writ Petition Nos. 677, 679 and 760 of 1974 against the common order made by the Land Revenue Tribunal rejecting the three revisions. The High Court by a common order dated 20-8-1980 passed in these writ petitions has rejected all the writ petitions.

3. The said Warlu has filed Civil Appeal No. 244 of 1982 by special leave against the High Court's order only insofar as it relates to dismissal of Writ Petition No. 677 of 1974. Against the common order of the High Court dismissing Writ Petition Nos. 679 and 760 of 1974, Warlu has filed special leave petitions which are barred by 4125 days i.e. by more than 11 years.

4. The first question is whether there is any ground to condone the delay in filing the special leave petitions by which the High Court's common order dated 20-8-1980 rejecting Writ Petition Nos. 679 of 1974 and 760 of 1974 has been challenged.

5. We do not find any cogent ground given in the application for condonation of delay which in law can constitute sufficient cause to explain the inordinate delay in filing of the special leave petitions. The applications for condonation of delay (I.A. Nos. 1 and 2 of 1992) in filing the special leave petitions are, therefore, dismissed resulting in the dismissal of the special leave petitions as time barred.

6. The question now is of the effect of the dismissal of the special leave petitions on the tenability of Civil Appeal No. 244 of 1982. The facts stated above giving rise to this Civil Appeal clearly indicate that after dismissal of the special leave petitions resulting in finality of the common order dated 20-8-1980 relating to dismissal of Writ Petition Nos. 679 and 760 of 1974, correctness of that order relating to dismissal of the Writ Petition No. 677 of 1974 cannot be examined for the obvious reason that interference in this appeal is bound to result in the making of conflicting orders regarding tenancy rights in the same lands. This alone is sufficient to require dismissal of Civil Appeal No. 244 of 1982.

7. Consequently, the above SLPs as well as Civil Appeal No. 244 of 1982 are dismissed. No one appears for the other side. No costs.