

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 463 OF 1992
WITH
WRIT PETITION NO. 472 OF 1992
WITH
WRIT PETITION NO.504 OF 1992

1. Abdul Gafar Mohmad Patel
2. Rashid Ahmed Mohmad Patel
3. Jalusabi Mohmad Patel
4. Begambi Mohmad Patel

All residents of Zendigate,
Ahmednagar.

5. Dagadabai Damodar Murkute
6. Dadasaheb Damodar Murkute

All agriculturist, Residing at
Deogaon, Tq. Newasa,
District Ahmednagar.

..Petitioner

VERSUS

Budhan Dagdubhai Patel,
deceased, through L.Rs.

- 1-A. Hassan Budhanbhai Patel
- 1-B. Jamdar Budhanbhai Patel

Both R/o Deogaon, Tq.Newasa,
District Ahmednagar.

..Respondents

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Advocate for Petitioner : Shri R.B.Deshmukh h/f Shri K.M.Babhulgaonkar
Advocate for Respondent 1-A : Shri Z.M.Pathan

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 29, 2015

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ORAL JUDGMENT:-

1. Having heard the learned Advocates for the respective sides, it has thus emerged that the basic grievance of the petitioners is that in the

proceedings initiated before the trial / tenancy Court under Section 32(1-B), delay of 12 years on the part of the respondents has been disregarded and no opportunity of hearing was given to the petitioners.

2. The learned Advocate for the respondents submits that pursuant to the impugned order dated 16.10.1991, an application praying for fresh enquiry has been filed before the tenancy Court. The learned Advocate for the petitioners submits that the issue of 12 years' delay will also have to be gone into by the concerned Court and the said issue needs to be dealt with.

3. Since the issue of limitation is concerned, if the tenancy Court is to cause a fresh enquiry, the petitioners need to be granted the liberty to question the maintainability of the proceedings on the grounds of delay / limitation.

4. The learned Advocate for the respondents submits that the respondents are open to meet the said contention before the tenancy Court.

5. In the light of the above, these petitions are disposed off keeping in view directions of the learned Member, Maharashtra Revenue Tribunal, dated 16.10.1991. The litigating parties shall appear before the Tahsildar, Newasa on 16.2.2015 at 3.00 pm. A separate notice for hearing need not be issued to the parties.

6. The competent authority shall cause a fresh enquiry under Section 32(1-B) of the Bombay Tenancy and Agricultural Lands Act, 1948. Issue of delay / limitation shall also be considered in accordance with law. The parties shall abide by the dates of hearing as may be posted by the competent authority and shall refrain from seeking adjournments on unreasonable grounds. The competent authority shall endeavour to decide tenancy Case Nos. 61 of 1972, 55 of 1972 and 13 of 1982 as expeditiously as possible and preferably on/or before 31.7.2015.

7. Rule is, therefore, made partly absolute with the above directions. All pending Civil Applications, if any, stand disposed off.

(RAVINDRA V. GHUGE, J.)

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