

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5352 OF 2014

Shrikrishna Mahadeo Kamat
since deceased, through his heirs
Sou. Vinaya V. Rawate & Ors. .. Petitioners
vs.
Sitaram Pratap Pandit
since deceased, through his legal heirs
Smt. Kavita Sohrab Boga & Ors. .. Respondents

Mr. Sanjay Chaisas for Petitioners.
Mr. R. B. Khanolkar for Respondents.

CORAM : M. S. SONAK, J.
DATE: 03 MARCH 2015

P.C. :-

1] This petition is directed against the order dated 25 February 2014 made by the Maharashtra Revenue Tribunal ("MRT") in tenancy revision no. TNC/REV./37/B/2011.

2] According to the learned counsel for the petitioners, the impugned order declines permission to the petitioners to produce on record additional evidence. In fact, upon perusal of the impugned order, it will be clear that the MRT has done no such thing.

3] The petitioners, by application made on 24 February 2014 applied for production of additional documentary evidence on

record. The documents in respect of which such leave was applied for are as follows :-

- (a) Mutation entry no. 1429;
- (b) Notice under Section 32G in respect of Survey No.282/1; and
- (c) Mutation entry no. 3471.

4] By the impugned order, the MRT has stated that all the aforesaid documents, are records more than thirty years old. Accordingly, the MRT has held that such records can always be taken into consideration and there was no necessity for the petitioners to seek any leave and accordingly there is no necessity to grant any leave in the matter. Accordingly, the contention of the petitioners, that leave has been denied to the petitioners, is incorrect.

5] That apart, the learned counsel for the respondents submits that the aforesaid three documents are already a part of the record before the Tahsildar and SDO and therefore, there was no need for the petitioners to have moved the application dated 24 February 2014. This clarifies the position even further.

6] In view of the aforesaid, there is no necessity to entertain the present petition. However, it is clarified that the revisional court in accordance with the impugned order, as also the statement made by the learned counsel for the respondents, shall take into consideration the aforesaid documents at the stage of deciding the revision petition.

7] It is further clarified that this Court has not expressed any opinion on the merits of the matter and it shall be for the MRT to decide the revision application, in accordance with law and on its own merits.

8] In view of the aforesaid, this petition is disposed of. The interim order is vacated. There shall be no order as to costs.

9] All parties to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)