

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7787 OF 2013

Basvaraj Shantayya Swami
through his authorised person
Mahadevi B. Swami

.. Petitioner

vs.

Sharad N. Kulkarni and ors.

.. Respondents

Mr. Ashok Tajane for the Petitioner.
Ms M.S. Bane, B-Panel AGP for the State.

CORAM : M. S. SONAK, J.
DATE : 09 FEBRUARY , 2015.

P.C. :-

1] This petition is directed against the order dated 22 February 2013 made by the Additional Collector, Solapur, rejecting the petitioner's Revision Application against the order dated 26 March 2007 made by the Tahasildar under the Mamlatdars' Courts Act, 1906 (said Act).

2] Apart from the circumstance that two authorities have concurrently recorded the findings against the petitioner, it is to be noted that the proceedings under the said Act are summary in nature and the same do not bar the petitioner from filing a substantive suit to establish his rights or in order to demolish the rights claimed by the respondents. In this view of the matter, there is no need to entertain the present petition.

3] However, it is clarified that making of the impugned order or for that matter non-entertainment of this petition, shall not be held against the petitioner, in case, the petitioner chooses to agitate his rights before the Civil Court. Accordingly, the Civil Court to decide the matter, without being influenced by these considerations. The Civil Court to decide the matter on its own merits and in accordance with law.

4] With the aforesaid observations, the present petition is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)

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