

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3673 OF 2014

Prakash Y. Bhaidkar .. Petitioner
vs.
Manohar S. Gawande & ors. .. Respondents

Mr. Rakesh Pathak i/b Khandeparkar & Associates for the
Petitioner.
None for the Respondents.

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

P.C. :-

1] By order dated 14 September 2010, the Mamlatdar under the Mamlatdar Courts Act, 1906 has issued certain directions in the matter of providing easement rights to the respondents. Aggrieved by the same, the petitioner preferred the revision application before the Sub-Divisional Officer (SDO), which has since been dismissed by order dated 31 March 2011.

2] Perusal of both the orders would indicate that the same are not in excess of jurisdiction or vitiated by any perversity and non-application of mind. A Writ Court would be loathe to interfere with the findings of facts recorded by two authorities, of which, at least one is the fact finding authority.

3] There is no mention about the petitioner having resorted to the proceedings before the Civil Court in order to either establish his claim or seeks a declaration that the respondents have no claim as this has been found in the Mamlatdar proceedings before the SDO.

4] Learned counsel for the petitioner desires that this Court take on record communication dated 5 February 2015 addressed by them to their own client seeking for instructions. There is no question of involving the Court in the matter, which basically pertains between the counsel and their clients. However, as the learned counsel submits that this aspect should be recorded, the same is made note of.

5] In view of the aforesaid, this petition, which has no merits, is dismissed. No order as to costs.

(M. S. SONAK, J.)