

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4851 OF 1993

Smt. Sushilabai Kashinath Patil
deceased through purchaser
Smt. Damayanti w/o. Dadoba
Thakur, deceased through LRs.
Harish Dadoba Thakur & Ors.

.. Petitioners

vs.

Ganpat Mahadeo Patil, deceased
by heirs Uday Ganpat Patil & Ors.

.. Respondents

Mr. N. V. Walawalkar – Senior Advocate with Mr. K. N. Kore for
Petitioners.

Mr. V. A. Gangal with Mr. A. J. Joshi for Respondent No. 1.1 to 1.8.

CORAM : M. S. SONAK, J.
DATE: 22 JANUARY 2015

P.C. :-

1] The learned counsels for the parties fairly agree that the
following orders impugned in this petition be set aside :

(I) Order dated 31 March 1986 made by the Tahsildar, Palghar in
Tenancy Case No. 3 of 1980;

(II) Judgment and order dated 24 November 1987 made by the
Sub Divisional Officer, Dahanu;

(III) Judgment and order dated 11 September 1992 in Tenancy
Revision Application No. 271 of 1989 passed by the Maharashtra
Revenue Tribunal at Mumbai.

2] Accordingly all the aforesaid three judgments and orders are
set aside.

3] The learned counsels for the parties further agree that the issue of respondents' claim for tenancy be decided afresh by the Tahsildar-ALT, Palghar, within some time bound schedule.

4] Accordingly, it is directed that the Tahsildar-ALT, Palghar shall decide afresh the issue of the original respondent's tenancy as expeditiously as possible and in any case within a period of nine months from today.

5] The Tahsildar-ALT, Palghar shall permit all the parties to lead fresh evidence in the matter, if they so desire. The Tahsildar-ALT, Palghar to decide such issue in accordance with law and on its own merits. All contentions of all parties are kept open.

6] Both parties to appear before the Tahsildar-ALT, Palghar on 5 March 2015 at 11 a.m. along with an authenticated copy of this order. The Tahsildar-ALT, Palghar shall, on this date, fix the further schedule of dates in the matter.

7] The Registry to transmit the records to the Tahsildar-ALT, Palghar, at the earliest and in any case on or before 1 March 2015.

8] The petition is disposed of.

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

(M. S. SONAK, J.)