

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 7733 OF 2015

Ramnath T. Bornare and ors.

.. Petitioners

vs.

Ashok P. Patangrao & anr.

.. Respondents

Mr. Chetan Damre for the Petitioners.

**CORAM : M. S. SONAK, J.**

**DATE : 05 OCTOBER 2015.**

**P.C. :-**

1] This petition challenges the order dated 12 September 2014 made by the Sub-Divisional Officer, Yeola, Nashik (SDO) under the Mamlatdars' Courts Act, 1906 (said Act). By the impugned order, the SDO has set aside earlier order dated 12 September 2013, which was made by the Mamlatdar in favour of the Petitioners.

2] The proceedings under the Mamlatdars' Courts Act are summary in nature. Any orders made under the provisions of said Act do not in any manner preclude the parties from instituting a Civil Suit before the Civil Court for the purposes of adjudication of their respective rights. In fact, the Respondents have already instituted a Civil Suit. The Petitioners are also at liberty to either defend the said Civil Suit, file counter claim therein if permissible or institute a fresh Suit for the purposes of determining their rights in

respect of suit way. In case, any such proceedings are instituted by the Petitioners, the orders made by the Authorities under the said Act or the factum of non-entertainment of present petition shall, obviously, not come in the way of Petitioners. All contentions of all parties will then have to be decided by the Civil Court in accordance with law and on their own merits.

3] With the aforesaid observations, the present petition is not entertained. However, it is made clear that this Court has not examined the merits of the matter, therefore, all contentions of all parties for adjudication and decision by the competent Civil Court.

4] Further, the Civil Court is directed to decide Regular Civil Suit No. 330 of 2012 which is instituted by the Respondents as expeditiously as possible and in any case within a period of one year from the date of production of an authenticated copy of this order. In the meanwhile, if the Petitioners within a period of one month from today institute their own Suit, then the Trial Court to consider the clubbing of the two suits and dispose of them within a period of one year from the date of institution thereof.

**(M. S. SONAK, J.)**

**CERTIFICATE**

**“Certified to be true and correct copy of  
original signed Judgment/Order.”**