

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 854 OF 2014

Balaram Parshuram Raut & Anr.	..	Petitioners
VS.		
Girjabai Budhaji Manje & Ors.	..	Respondents

Mr. Sachin Dhakephalkar for Petitioners.
Mr. Abhijit Kadam for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE: 28 JANUARY 2015

P.C. :-

1] Rule, with the consent and at the request of the learned counsels for the parties, Rule is made returnable forthwith.

2] The challenge in this petition is to the order dated 2 July 2013 made by the Maharashtra Revenue Tribunal (MRT) dismissing the petitioners' tenancy petition no. 142/B/2013 on the ground that the connected revision petition no. 274/B/2010 has been dismissed for default.

3] The learned counsels for the parties admit that the connected revision petition no. 274/B/2010 has since been restored by the MRT. Further, the petitioners herein has been issued notice for appearance, as the petitioners had also applied for intervention in connected revision petition no. 274/B/2010.

4] In view of the aforesaid subsequent development, the main reason for dismissal of petitioners tenancy revision petition no. 142/B/2013 no longer survives. The impugned order dated 2 July

2013 shall accordingly have to be set aside and the petitioners revision petition no. 142/B/2013 shall have to be restored to the file of the MRT. The impugned order is accordingly set aside and the petitioners revision petition is accordingly restored.

5] The learned counsel for respondent no. 1 submits that neither the petitioners application for intervention in tenancy revision petition no. 274/B/2010 in petitioners revision petition is maintainable. At this stage, the learned counsel for the petitioners states that the petitioners shall not press their intervention application in tenancy revision petition no. 274/B/2010. Accordingly the said intervention application stands dismissed as not pressed.

6] It is only appropriate that the petitioners revision petition no. 142/B/2013 is heard along with tenancy revision petition no. 274/B/2010 and both the said revision petitions are decided in accordance with law and on their own merits. Obviously, the respondent no. 1 can have no objection to this course of action. It is directed accordingly.

7] This petition is accordingly disposed of with the following order:

(A) The impugned order dated 2 July 2013 passed by the MRT is set aside and the petitioners revision petition no. 142/B/2013 is restored to the file of the MRT;

(B) The petitioners application for intervention in tenancy revision petition no. 274/B/2010 is hereby dismissed;

(C) The tenancy revision petition nos. 142/B/2013 and 274/B/2010 shall be heard and decided together, in accordance with law.

8] It is clarified that this Court has not expressed any opinion on the merits or demerits of the matter and all questions and contentions have been left open.

9] Rule is made absolute to the aforesaid extent.

10] All parties to act on the basis of an authenticated copy of this order.

(M. S. SONAK, J.)

Chandka