

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9988 OF 2009
WITH
CIVIL APPLICATION NO. 2319 OF 2014

Smt. Manibai Ramu Bhoir .. Petitioner
vs.
Smt. Maimunabibi Ibrahim Sonde & Anr. .. Respondents

Mr. S. G. Deshmukh i/b. Mr. Ramdas Shelke for Petitioner and Applicant.
Mr. D. S. Joshi for Respondent No. 1.

CORAM : M. S. SONAK, J.
DATE : 18 FEBRUARY, 2015

P.C. :-

- 1] The learned counsel for the petitioner concedes that the impugned order made by the MRT may not be interfered with, particularly since it only remands the matter for fresh enquiry before the Tahsildar and further affords opportunity to both the parties to adduce evidence, if any. The order impugned was also affirmed by the MRT in exercise of review jurisdiction.
- 2] Accordingly, there is no reason to entertain the present petition.
- 3] However, the petitioner, in the present case, had taken out civil application no. 2319 of 2014 in order to amend the petition and to produce on record certain documents and pleadings. Since the present petition is not entertained, it is necessary to clarify that the

petitioner shall have the liberty to produce such documents as also any other documents or evidence before the Tahsildar in pursuance of proceedings upon remand. Such liberty is also granted to the respondents to produce documents or evidence in the matter.

4] Further, considering the time lag, it would be appropriate for the Tahsildar, upon remand to dispose of proceedings within a period of six months from today. Parties shall appear before the Tahsildar on 9 March 2015 at 11.00 a.m. and produce an authenticated copy of this order.

5] It is made clear that this Court has not examined the merits of the matter and all contentions of all parties are left open for decision by the Tahsildar. With these observations, the present petition is disposed of. There shall be no order as to costs.

6] In view of the disposal of the writ petition, civil application no. 2319 of 2014 does not survive and is disposed of accordingly.

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

(M. S. SONAK, J.)