

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CIVIL REVISION APPLICATION NO.8/2015

Prakash s/o Mango Jadhav and another
..Versus..
Bhagwansing s/o Nayansingh Rajput

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 20.2.2015

Heard Shri A.J. Thakkar, the learned advocate for the
applicants and Shri Mahesh Rai, the learned advocate for the
non-applicant.

The civil revision application is filed challenging the order
passed by the Sub-Divisional officer exercising his revisional

jurisdiction under Section 23(2A) of the Mamlatdars' Court's Act holding that the Sub-Divisional Officer had no powers to decide the revision. The issue raised in the civil revision application is covered by the judgment given by this Court in the case of *Bija s/o Maroti Hatwar V/s. Kisan s/o Chirkut Padole and another* reported in **2015(1) Mh.L.J. 282** in which it is held that the revisional powers under Section 23(2A) cannot be delegated to the Sub-Divisional Officer. In view of the above, the order passed by the learned Sub-Divisional Officer on 18th February, 2014 is set aside.

Shri Thakkar, the learned advocate seeks liberty to challenge the order passed by the learned Mamlatdar and Tahsildar on 31st January, 2013 by filing revision before the Competent Authority. If the revision is filed within one month from today, the Authority dealing with the revision shall consider the application filed by the applicants praying for condonation of delay sympathetically, taking into

consideration the fact that earlier revision was filed by the applicants was within the prescribed period of limitation. The civil revision application is disposed of in the above terms. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.