

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

CIVIL APPLICATION Nos.780 AND 809 OF 2015
IN
SECOND APPEAL NO.487 OF 1990

Leelabai Harihar Bawankar

-vs-

Kishore Kumar s/o Vinayakrao Gandhe and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri V. R. Choudhari, Advocate for petitioner.
Smt. Thakre, Advocate for respondent No.1.
Shri C. N. Adgokar, AGP for State.

CORAM : A.S.CHANDURKAR, J.
DATE : December 03, 2015

On 19/11/2015, this Court passed an order directing the Tahsildar, Samudrapur to submit the status of the proceedings in Revenue Case No.2/59(30)/75.76 of village Chorvira. Accordingly the Tahsildar, Samudrapur has submitted the status report addressed to the learned Assistant Government Pleader. It is stated therein that on 17/10/2008, the proceedings itself were closed on the ground that the civil suit bearing R.C.S. No.223 of 1976 was still pending. It was also observed that there was no propriety in keeping said proceedings pending before the Tahsildar.

It is therefore obvious that the reference as made to the Tenancy Court has still not been decided and the case has been closed. As a result, there is no finding recorded by the competent Court about the status of the original plaintiff.

Shri V. R. Choudhari, learned counsel for the appellant and Smt. Thakre, learned counsel for respondent No.1 submit that the proceedings can be re-opened with a direction to the Tahsildar to adjudicate the issue referred to him. Said course would have to be followed to take the proceedings to its logical end.

Accordingly, the Tahsildar, Samudrapur is directed to reopen proceedings in Revenue Case No.2/59(30)/75.76 of village Chorvira and decide the same in accordance with law. The parties undertake to appear before the Tahsildar, Samudrapur on 04/01/2016. The proceedings shall be decided within period of three months from the date of appearance of the parties.

Applications are accordingly disposed of.

S.A. No.487 of 1990.

In view of orders passed on C.A.Nos.780 and 809 of 2015, the appeal be listed for further consideration on **15/02/2016.**

JUDGE