

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

4 WRIT PETITION NO. 6682 OF 2015

POPAT JEMA RATHOD
VERSUS
USHABAI EKNATH RATHOD AND OTHERS

...
Advocate for Petitioner : Mr. Patil Paresh B.

...
CORAM : R. M. BORDE, J.
Date: March 07, 2016

...

PER COURT :-

1 The petitioner is raising challenge to the interlocutory order dated 19.3.2015 passed by the Tahsidlar in a proceedings under the Mamlatdars Courts Act, 1906. The petitioner objects to the order contending that, the same has been issued exparte. On perusal of the order, it does appear that the Tahsidlar issued an ad interim order which is liable to be considered on appearance of the other side i.e. the petitioner. It is contended that the petitioner has caused appearance in the matter and has also presented his say.

2 It would be open for the petitioner to persuade the Tahsildar to modify the order or to take up the Suit itself for final determination. The writ petition need not be entertained at interlocutory stage of the proceedings.

3 With liberty to the petitioner to approach the Tahsidlar for modification of the impugned order or for expeditious disposal of suit, the writ petition stands disposed of.

(R. M. BORDE, J.)