

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

926 WRIT PETITION NO. 6064 OF 2016
WITH CA/10309/2016 IN WP/6064/2016

SAMBHAJI EKNATH SHELKE
VERSUS
BALASAHEB DHONDIBA SHELKE AND OTHERS

...
Advocate for Petitioner : Padalkar Harshad H
AGP for Respondents 13 to 15 : A.P. Basarkar
Advocate for Respondents 1 to 4 : D.P. Palodkar
...

CORAM : T.V. NALAWADE, J.
DATED : 26th August, 2016.

ORDER :

1. It appears that the proceeding is filed to challenge the order made by revisional authority under section 25 of Mamlatdar Courts Act and against the order made in Rasta case. Revision is dismissed by the revisional authority for default.

2. The submissions made by both the sides show that substantive suit is filed by present petitioner which is bearing RCS No. 135/2015 in the Court of Civil Judge, Junior Division, Sangamner and reliefs of declaration and injunction are claimed to create the road on the disputed property. In view of the provisions of section 22 of Mamlatdar Courts Act and as the Civil Court is considering the matter, it is not desirable that parallel proceeding is allowed under Mamlatdar Courts Act.

3. In view of these circumstances, the petition stands dismissed. Civil application is disposed of. Interim relief, if any, is vacated. Amount, if any, deposited by the petitioner for getting interim relief in the present matter is to be returned to the petitioner.

[T.V. NALAWADE, J.]

ssc/