

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12901 OF 2015

Ramchandra Bhiku Lokhande	..	Petitioner
VS.		
Rajendra Gyanu Borate & Ors.	..	Respondents

Mr. Sachin S. Punde for Petitioner.

CORAM : M. S. SONAK, J.
DATE : 21 MARCH 2016

P.C :

1] The challenge in this petition is to the order dated 14 November 2014, by which the petitioner's application for restoration of possession of the suit property, which possession, the petitioner lost during the pendency of tenancy revision application no. 39/B/2002/NS, came to be rejected by the Maharashtra Revenue Tribunal (MRT).

2] Mr. Sachin Punde, the learned counsel for the petitioner submitted that possession was handed over by the Tahsildar, Wai, to the respondents on 25 June 2012, even though, interim relief was in operation staying the execution of the order of the Sub Divisional Officer in tenancy appeal no. 10 of 2000. In any case, Mr. Punde submitted that the parties had proceeded on the basis that the stay order was in operation. For these reasons, he submitted that the

impugned order dated 14 November 2014 warrants interference.

3] If the impugned order dated 14 November 2014 is perused, then the said order makes reference to the order made on 30 July 2011, by which the MRT, Mumbai, directed that the earlier interim order is extended until 25 August 2011 and the matter was adjourned to 25 August 2011 to be heard at Pune. This statement in the impugned order is backed by the roznama produced by the petitioner on record at Exhibit 'T' (page 63). From the roznama, it is quite clear that the order dated 30 July 2011 was made in the presence of counsel appearing for the revisional petitioner before the MRT. In these circumstances, there cannot be any ambiguity that the earlier interim order was extended on 30 July 2011 only upto 25 August 2011.

4] If the roznama is further perused, it is quite apparent that post 25 August 2011 the interim order was not extended. Upon perusing the roznama for the date 26 March 2012, it can perhaps be said that both the parties were under mis-impression that the interim order has been extended. However, such mis-impression, cannot operate to either additions or modifications of the record. From the record, it is quite clear that there was no interim relief in operation post 25 August 2011.

5] In view of the aforesaid, the impugned order dated 14 November 2014 cannot be faulted or interfered with.

6] However, considering that the petitioner's tenancy revision application was instituted in the year 2002, the MRT is directed to dispose of the same as expeditiously as possible and in any case within a period of six months from today. Further, in case, the revision application is allowed, the MRT to make consequential orders for restoration of possession within some prescribed period.

7] This petition is accordingly disposed of. The impugned order is not interfered with but the petition is disposed of with the aforesaid directions.

8] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)