

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3514 OF 2014

1. Ramesh Ramchandra Attarde,
Age 65 years, Occ. Agriculture,
2. Raghunath Ramchandra Attarde,
Age 85 years, Occ. Agriculture,
3. Pandharinath Ramchandra Attarde,
Age 81 years, Occ. Agriculture,
Through GPA holder for respondents
2 and 3.

All r/o Nanded, Tq. Dharangaon,
District Jalgaon.

..Petitioners

Versus

1. Suresh Ramchandra Kulkarni
Age 75 years, Occ. Pensioner,
R/o Ahmednagar.

2. The State of Maharashtra.

..Respondents

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Advocate for Petitioners : Shri B.R.Warmaa
Advocate for Respondent 1 : Shri P.D.Dhorde
AGP for Respondent 2 : Shri S.P.Deshmukh

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CORAM : RAVINDRA V. GHUGE, J.

Dated: June 06, 2017

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ORAL JUDGMENT :-

1. Heard learned Advocates for the respective parties.
2. Rule.

3. By consent, Rule is made returnable forthwith and the petition is taken up for final disposal.

4. The petitioner is aggrieved by the judgment dated 22.1.2014, delivered by the learned Maharashtra Revenue Tribunal, Aurangabad in Case No.87/B/2001/JGN. The primary grievance of the petitioner is that the impugned judgment has been delivered without hearing the petitioners.

5. I have considered the submissions of the learned Advocates.

6. There is no dispute that the certified copy of the roznama in the proceedings, tendered across the Bar by the respondent No.1 indicates that the matter was adjourned on 10.12.2013 as the petitioners were absent. The case was posted to 18.1.2014. The roznama does not indicate that the matter was taken up by the learned Tribunal on 18.1.2014. Paragraph No.5 of the impugned judgment indicates that the learned counsel for the respondent / original revision applicant was heard and the petitioners and their Advocates were absent.

7. Learned counsel for the respondents submit that the proceedings were not before the Tribunal on 18.1.2014. He had appeared before the Tribunal on 22.1.2014 and after hearing him in

the absence of the petitioners, the judgment was delivered on the same date.

8. The roznama does not indicate that after 18.1.2014, the matter was adjourned and posted to 22.1.2014 for recording the oral submissions of the litigating sides. The entry in the roznama dated 27.1.2014 indicates that the Tribunal had heard the revision applicant on 22.1.2014, though the matter was not officially listed for hearing on the said date. I find this to be a peculiar situation.

9. Considering the above, this petition is partly allowed. The impugned judgment dated 22.1.2014 is quashed and set aside only for the reason that the petitioners were not heard in the matter. Case No. 87/B/2001/JGN is remitted back to the Maharashtra Revenue Tribunal, Aurangabad.

10. Both the learned Advocates, representing the litigating sides submit that they would appear before the Tribunal on 7.7.2017. The Tribunal therefore, need not issue notices in the matter. The litigating sides would address the Tribunal on the said date or on such other date, on which the Tribunal would post the matter for hearing.

11. Needless to state, the litigating sides will not seek an adjournment in the matter and considering the age of the litigants

and the proceeding, the Tribunal shall decide the case as expeditiously as possible and preferably on or before 15.9.2017.

12. Needless to state, all the contentions of the litigating sides are kept open.

13. Rule is made partly absolute accordingly.

(RAVINDRA V. GHUGE, J.)

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akl/d