

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

CIVIL REVISION APPLICATION NO. 1 OF 2017

Gram Panchayat Shiradshapur
through its secretary,
Smt. S.N. Mukne and others ...Applicants

Versus

The Block Development Officer,
Panchayat Samiti, Aundha (Na)
and others ...Respondents

...

Mr. Nirmal Ramchandra J., Advocate for applicants
Mr. Pradip Shahane, Advocate for respondent no.1
Mr. S.K. Chavan, Advocate for R/ 2 to 4

...

CORAM: SUNIL P. DESHMUKH, J.

Date: 19th January, 2017

PER COURT:

1. Heard learned counsel for the parties for quite sometime.

2. It appears to be overall major contention on behalf of applicants that having regard to section 142 of the Maharashtra Village Panchayat Act and further reference

to the decision of this court with reference to section 53 of the said enactment that, civil court may not have authority, power and jurisdiction to grant relief claimed by the plaintiffs.

3. The learned counsel for respondents point out that no such contention had ever been raised in the application on which orders have been passed by the learned judge.

4. Learned counsel for the applicants submit that in such a case, applicant may be permitted to take up the point by amending the rejected application. Learned counsel for the respondents have reservation about the same and submit that the same would tantamount to restoration of the application of the applicants, including grounds which have been taken up in the same.

5. In the circumstances, it would be expedient and it is open for the applicants to take up appropriate proceedings/application as may be advised with reference to Order VII rule 11 and section 9A of Civil Procedure Code. Further, it is made clear that the grounds which have been taken up in the applications on which impugned

orders have been passed would not now be taken in the applications, being mooted.

6. With this, civil revision application stands disposed of. It is being specifically referred to that this order shall not influence the court while deciding any application if so submitted by parties and would be decided on merits.

(SUNIL P. DESHMUKH)
JUDGE

VDK