

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9690 OF 2015

Shri Dattu Genu Manjare

...Petitioner

vs.

The Tahsildar & A. K. Junnar & Ors.

...Respondents

Mr. S. V. Sadavarte for the Petitioner.

Ms. Aparna Vhatkar, AGP for the Respondent Nos.1 to 4.

Mr. Nikhil Chavan for the Respondent No.5.

CORAM : M. S. KARNIK, J.

DATE : 24/01/2017.

P.C.:

Heard the learned counsel for the Petitioner and the learned counsel for the Respondent No.5. The Respondent No.5 has filed an affidavit in this Court. The Respondent No.5 herein is the Respondent No.2 before the Maharashtra Revenue Tribunal, Pune. The Petitioner claimed to be a tenant of the land in question and the said land was purchased by him along with his father. According to the Respondent No.5 herein, the possession as well as title of the Petitioner and the father was never disturbed as the amount which was paid to the Petitioner by the Respondent No.5 was returned by the Petitioner. The Respondent No.2 did not appear before the M.R.T.

2. Without commenting on the merits of the controversy as the Respondent No.5 has now chosen to appear in this Court and in view of the affidavit filed by him in the interest of justice it would be appropriate if the matter is considered by the Maharashtra Revenue Tribunal, Pune afresh in the light of the affidavit. The Petitioner and Respondent No.5 undertakes to appear before the Tribunal on

23/2/2017. The Petitioner may produce authenticated copy of this order before the Maharashtra Revenue Tribunal, Pune.

3. In this view of the matter, I am inclined to set aside the impugned order passed by the Maharashtra Revenue Tribunal. Hence the following order:

- i) The impugned order dated 5/4/2013 passed in Revision Application No.70/B/2000/P is set aside. The matter is remanded back for fresh hearing in accordance with law and on its own merits taking into consideration the stand of the Respondent No.5 herein;
- ii) The Respondent No.5 undertakes to appear before the Maharashtra Revenue Tribunal, Pune on 23/2/2017. The Tribunal may as far as possible make an endeavour to dispose of the Revision Application No.70/B/2000/P within a period of 6 months from 23/2/2017. I may not be understood to have expressed any opinion on the merits of the matter;
- iii) No order as to costs;
- iv) The Petition is disposed of.

(M. S. KARNIK, J.)