

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1993 OF 2014

PARMESHWAR KUSHABA NAMDE
VERSUS
V.G. SHIROLKAR AND OTHERS

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Advocate for Petitioner : Shri Deshpande Ajay S.
Advocate for Respondent 1 : Shri Ambade P.V.
AGP for Respondents 2 to 6 : Shri Tambe S.K.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 06, 2018

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PER COURT :-

1. I have heard the learned Advocates and learned AGP for the respective parties. Both the sides have putforth strenuous submissions.

2. Contention of the petitioner is that the roznama in Appeal SR No.75 of 2013 was so recorded by respondent No.1 on 20.9.2013, so as to indicate that he does not desire to prosecute the proceedings that he had initiated. *Per contra*, submission of respondent No.1 is that he was the District Superintendent of Land Records (DSLRL), Jalna at the relevant time and he has written the roznama as per the statement made by the petitioner.

3. I do not find that the controversy, which is word against word, to be so large as to keep this petition pending and decide whether the roznama was bonafide written or not. The petitioner desires that his appeal be decided on merits and prays for a hearing. He further submits that if respondent No.2 DSLR, Jalna is called upon to consider his appeal and decide the same within a time frame, he would forget the past.

4. Learned counsel for the respondents are agreeable.

5. It is informed that respondent No.1 is no longer the DSLR, Jalna in view of his transfer.

6. Considering the above, this petition is partly allowed by setting aside the order dated 26.9.2013 passed by respondent No.1 closing Appeal SR No.75 of 2013.

7. The said proceeding is remitted to respondent No.2. The petitioner agrees to appear before respondent No.2 on 23.3.2018 at 3.00 pm. Respondent No.2 shall, therefore, consider the said appeal SR No.75 of 2013 on its own merits after giving a reasonable opportunity of hearing to the litigating sides and ensure that the said proceedings are finally decided with a

reasoned order on/or before 30.6.2018. It is made clear that respondent No.2 would list the matter for delivering of judgment, after the hearing is concluded, on a specific date so as to enable the petitioner to remain present on that day and the order would be pronounced in his open office, where hearing is conducted.

8. The litigating sides would refrain from seeking adjournments on unreasonable grounds.

(RAVINDRA V. GHUGE, J.)

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