

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

WRIT PETITION NO. 10939 OF 2018

**HAYAT KHAN ISSAKHAN
VERSUS
SHAIKH RASOOL SHAIKH CHAND AND ANOTHER**

...
Advocate for Petitioner : Shri V. V. Bhavthankar
AGP for Respondent No. 2 : Shri B. A. Shinde
...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 29th SEPTEMBER, 2018.

...

PER COURT :

1. The petitioner is aggrieved by the order dated 24/07/2018, passed by the SDO, Majalgaon whereby the request to frame a preliminary point as regards the maintainability of the Appeal under Section 247 of the MLR Code, has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner. The learned AGP submits that as the pending proceedings are of 2016, the said proceedings could be decided within a time frame.

3. I find that since the revenue proceedings are pending before the SDO under Section 247, ends of justice would be met by directing the SDO to decide the pending proceedings within four months, rather than entertaining this petition as against the revenue proceedings on the ground of whether the Appeal is maintainable.

4. In view of the above, this petition is disposed off. Respondent No.2 shall decide 2016/ROR/A/13/Appeal/s no 29/18 on or before 21/01/2019.

5. Needless to state, the SDO would consider all the contentions and objections of the litigating sides and shall pass a reasoned order.

(RAVINDRA V. GHUGE, J.)

shp/-