

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11442 OF 2015
(Raju Shamlal Pardeshi and others Vs. Bharati Sanjay Pardeshi and others)

Mr.S.V.Suryawanshi, Advocate for the petitioners.
Mr.S.C.Bhosale, Advocate for respondent No.1.
Mr.S.K.Tambe, AGP for respondent Nos. 2 and 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 25/06/2018

PER COURT :

1. The petitioners are aggrieved by 2 orders, viz an order dated 02/05/2012 passed by the Tahsildar in the Wahiwat Case No.24/2011 under Section 5 of the Mamlatdar's Courts Act, 1906. Secondly, the order of the S.D.O. dated 17/12/2013 concluding that the petitioner's RTS Revision No.58/2012 filed under Section 257 of the M.L.R. Code, was not maintainable.

2. Considering the order that I am passing, I am not required to advert to the entire submissions of the learned Advocates and the disputed issues. Suffice it to say that the thrust of the petitioners' case is that they were present before the Tahsildar, Pachora on 25/04/2012 which was the first date of hearing. The Tahsildar was

not available and the matter was adjourned. On the next date, they were absent. Despite this position, the impugned order indicates in the second paragraph on the second page that two petitioners have submitted their detailed submissions. The S.D.O. has rejected the RTS Revision Application filed by these petitioners since they have not preferred a revision u/s 23(2) of the 1906 Act which has to go before the Revisional Authority, who is commonly known as the S.D.O. to the extent of the M.L.R. Code.

3. As such, this petition is disposed of with the following directions :-

[a] The RTS Revision No.58/2012 would be suitably amended by the petitioners by changing the title so as to be a revision under Section 23 of the Mamlatdar's Courts Act, 1906.

[b] Section 257 of the M.L.R. Code, 1966 shall be amended to read as Section 23 of the Mamlatdar's Courts Act.

[c] Additional grounds, if any, can be added to the pleadings of the petitioners.

[d] All the litigating sides would appear before the Revisional Authority under the Mamlatdar's Courts Act at Pachora Division on 13/07/2018 at 11.00 a.m. Formal notices need not be issued.

[e] Amendments would be carried out on 13/07/2018.

[f] The respondents before the Revisional Authority would enter their written statements on or before 31/07/2018.

[g] The Revisional Authority would cause a hearing in this matter and decide the same, by considering the contentions of all the litigating sides, on their merits.

(Ravindra V.Ghuge, J.)