

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

CIVIL APPLICATION NO.14369 OF 2018
IN
REVIEW APPLICATION (STAMP) NO.34274 OF 2018
WITH
REVIEW APPLICATION (STAMP) NO.34274 OF 2018

VISHWANATH DHONDIBA DAVNE
VERSUS
SANTOSH SHIVAJIAPPA RESHME AND OTHERS

...
Advocate for the Applicant : Shri Chapalgaonkar S.G..
Advocate for Respondent 1 : Smt.M.D.Thube-Mhase.
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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 07th December, 2018

Per Court:

1 I have considered the submissions of the learned Advocates
for the Applicant and the Respondents.

2 Respondent No.1 (Santosh Reshme) was the Petitioner in
Writ Petition No.1931/2018 and the Applicant (Vishwanath Davne) was
Respondent No.1 in the said Writ Petition. By order dated 15.02.2018, the
said writ petition was allowed to be withdrawn and RCS No.388/2001
was expedited to be decided on or before 31.12.2018.

3 By this Review Application, the original Respondent No.1

(Vishwanath Davne) submits that the tenancy issue is pending before the Maharashtra Revenue Tribunal and the said suit, therefore, cannot be proceeded in view of the provisions of the Code of Civil Procedure.

4 The learned Advocate for the original Petitioner submits that the proceedings before the Maharashtra Revenue Tribunal could be expedited and the recording of evidence in the suit could be continued.

5 In the peculiar facts and submissions as above, this Civil Application seeking condonation of delay is allowed. The Review Application is taken up for hearing by the consent of the parties.

6 Having considered the submissions of the learned Advocates, I find that it would be advantageous to expedite the proceedings before the Maharashtra Revenue Tribunal and the order dated 15.02.2018 could be reviewed and the suit could be decided within six months after the judgment of the Maharashtra Revenue Tribunal is delivered.

7 In view of the above, the Review Application is partly allowed. Paragraph 2 of the order dated 15.02.2018 stands modified and shall read as under :-

"Considering the above, this petition is disposed of as withdrawn. Revision Application No.17-B/2018 shall be decided by the learned Maharashtra Revenue Tribunal, Aurangabad expeditiously and in any case on or before 30.06.2019. Considering the earlier order dated 01.08.2014 passed in Writ Petition No.6442/2014, the Trial Court would commence

with the adjudication in RCS No.388/2001 from 01.07.2019 and would conclude the same on or before 31.12.2019."

kps

(RAVINDRA V. GHUGE, J.)