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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4595 OF 2018

Sharda S. Chavan

...Petitioner

V/s.

The Tahsildar, Karad & Ors.

...Respondents

Mr.Ajit J. Kenjale for the Petitioner.

Mr.S.H. Kankal, A.G.P. for the State – Respondent Nos.1 and 2.

Mr.R.C. Barge for the Respondent No.6 to 11, 13, 16 and 18 to 29.

CORAM : R.D. DHANUKA, J.

DATE : 27TH JULY, 2018.

P.C. :-

1. The papers are allowed to be produced at 3:00 p.m.
2. Learned counsel appearing for the petitioner seeks liberty to withdraw this writ petition with liberty to file a civil suit under section 143(4) of the Maharashtra Land Revenue Code, 1966. He undertakes to file a civil suit within two weeks from today.
3. It is not in dispute that the husband of the petitioner has filed a separate suit against the impugned order passed by the learned Tahsildar dated 11th September, 2017 before the Civil Court. It is the case of the petitioner that the petitioner was not impleaded as a party to the said proceedings filed before the Tahsildar by the contesting respondents.

4. Learned counsel appearing for the respondent nos.6 to 11, 13, 16 and 18 to 29 opposes the application for continuation of the *ad-interim* order passed by this Court on the ground that the said *ad-interim* order passed by this Court on 12th April, 2018 has come to an end.

5. It is not in dispute that the petitioner was not impleaded as a party to the proceedings filed before the learned Tahsildar by the contesting respondents. This Court had accordingly granted *ad-interim* relief in terms of prayer clause (b) on 12th April, 2018 till next date and had directed the office to issue the notice to the respondent nos.4 to 29. The matter however did not appear on board on 18th June, 2018.

6. In these circumstance, I am inclined to grant liberty to the petitioner to withdraw this writ petition with liberty to file a civil suit under section 143(4) of the Maharashtra Land Revenue Code, 1966 within two weeks from today. The petitioner would be at liberty to apply for interim relief in the said suit proposed to be filed by the petitioner. It is made clear this Court has not expressed any views on the merit of the matter.

7. *Ad-interim* order granted by this Court on 12th April, 2018 to continue for a period of four weeks from today. The petitioner can apply for continuation of the *ad-interim* order passed by this Court in

the said suit proposed to be filed by the petitioner after giving notice and service of papers and proceedings upon the contesting respondents.

8. All the contentions of both the parties are kept open. It is made clear that the Civil Court shall decide the application for interim relief as well as the suit on its own merits without being influenced by the fact that this Court has granted *ad-interim* relief.

9. The writ petition is disposed of in aforesaid terms. There shall be no order as to costs.

(R.D. DHANUKA, J.)