

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 4603 OF 2018**

Shivajirao Govindrao Desai	]	Petitioner
Vs.		
Masu Daji Pote (since deceased through Lrs)	]	
1(a) Shivaji Masu Pote and others.	]	Respondents

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Ms. Manjiri S. Parasnis, for Petitioner.
Mr. Surel Shah i/b Datta Pawar, for Respondents No.1 (a) to 1(f).
Mr. S.H. Kankal, A.G.P, for Respondents No.4 to 6.

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CORAM : R.G. KETKAR, J.

DATE : 26TH NOVEMBER, 2018.

P.C.

Heard Ms. Parasnis, learned Counsel for the petitioner and Mr. Shah, learned Counsel for respondents No.1 (a) to 1(f) and Mr. Kankal, learned A.G.P, for respondents No.4 to 6.

2. Rule. Mr. Shah waives service on behalf of respondents No.1 (a) to 1(f) and Mr. Kankal waives service on behalf of respondents No.4 to 6. In view of the narrow controversy raised in this Petition as also at the request and by consent of learned Counsel for the parties, Rule is made returnable forthwith and Petition is taken up for final hearing.

3. Mr. Shah submits that respondents No.2 and 3(a) to 3(c) though participated in the proceeding have lost their interest as respondents No.1(a) to 1(f) are held to be lawful sub tenants. On instructions, he submits that by consent of respondents No.1(a) to 1(f), impugned order dated 7th February,

2018 passed by the Member, Maharashtra Revenue Tribunal, Kolhapur (for short 'Tribunal') in Revision Application No.-TNC/REV/41/2010 may be set aside and the Revision Application be restored to the file of the Tribunal.

4. In view thereof, by consent of the petitioners and respondents No.1(a) to 1(f), the impugned order dated 7th February, 2018 passed by the learned Member of the Tribunal in Revision Application No.-TNC/REV/41/2010 is set aside and the Revision Application is restored to the file of the Tribunal for deciding afresh and in accordance with law. All contentions of the parties are expressly kept open. Rule is made absolute accordingly with no order as to costs.

[R.G. KETKAR, J.]