

NSC.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

CIVIL WRIT PETITION NO.9452 OF 2017

Shivaji Baburao Satav ...Petitioner
Versus
Namdeo Baburao Satav and Ors. ...Respondents

Mr.S.S.Diwan, for the Petitioner.

Mr.Priyal Sarda, i/b Mr.R.R.Bharekar, for the Respondent No.1

Mr.A.M.Reddy, for the Respondent Nos.2 to 5.

CORAM : REVATI MOHITE DERE, J.

DATE : 6th SEPTEMBER, 2018

P.C. :

1. Heard learned counsel for the parties.
2. By this Petition, the Petitioner has impugned the order dated 21st July, 2017, passed by the Sub-Divisional Office, Haveli Sub-Division, Pune in Revision Application No.762 of 2016, as well as the order dated 3rd August, 2016, passed by the Tahasildar, Haveli (Pune) in Suit No.MCA/5(2)/09/2016, by which the Respondent No.1's application under Section 5(2) of the Mamlatdars' Courts Act was allowed.

3. At the outset, Mr.Sarda, learned counsel for the contesting Respondent No.1 states that both the aforesaid impugned orders can be set aside and the issue can be restored to the Competent Authority under the Mamlatdars' Courts Act, for fresh determination. Mr.Sarda makes the said statement in view of the grievance made by the learned counsel for the Petitioner that both the authorities have not considered the submissions advanced by the Petitioner, before the said authorities.

4. A perusal of the orders passed by both the authorities does not reflect the fact, that the submissions advanced by the Petitioner were considered.

5. Considering the aforesaid, both the impugned orders i.e. order dated 21st July, 2017, passed by the Sub-Divisional Office, Haveli Sub-Division, Pune in Revision Application No.762 of 2016 and the order dated 3rd August, 2016, passed by the Tahasildar, Haveli (Pune), in Suit No.MCA/5(2)/09/2016, are quashed and set aside, and the matter is remitted back to the Tahasildar, Haveli (Pune), for fresh consideration.

The Tahasildar, Haveli (Pune), shall pass appropriate orders, after hearing the parties. All contentions of all the parties are kept open.

6. Considering the fact that the proceedings are of the year 2016, the proceedings before the Tahasildar, Haveli (Pune) are expedited. The Tahasildar shall hear and decide the said proceedings, as expeditiously as possible and in any event on or before 31st December, 2018. All parties to appear before the Tahasildar, Haveli (Pune) on **17th September, 2018 at 11.00 a.m.**, after which the Tahasildar to give dates convenient to him.

7. Petition is allowed and disposed of in above terms.

8. All concerned to act on the authenticated copy of this order.

(REVATI MOHITE DERE, J.)