

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13786 OF 2018

Bharat Chandar Jadhav and others	...	Petitioners
Vs.		
Parshuram Mangalya Jadhav (decd) through heirs and others	...	Respondents

Mr. R. S. Kate for Petitioners.

Mr. S. D. Rayrikar, AGP for Respondents No.9 to 11-State.

CORAM : R. G. KETKAR, J.
DATE : DECEMBER 7, 2018

P.C. :

Heard Mr. Kate, learned Counsel for the petitioners and Mr. Rayrikar, learned AGP for the respondents No.9 to 11-State at length.

2. This Petition takes exception to the order dated 29.08.2018 passed by the Sub-Divisional Officer, Vasai (for short 'S.D.O') in Appeal No.16 of 2016. By that order, S.D.O. allowed the appeal preferred by the respondent No.8 and set aside the order dated 31.12.2015 passed by Tahsildar and Agricultural Lands Tribunal, Vasai in Case No.2 of 2015. From perusal of the record, it is evident that appeal was filed by respondent No.1 under Section 74 of the Maharashtra Tenancy and Agricultural Lands Act (for short 'Act'). In view thereof, petitioners have an equally efficacious alternate remedy of filing revision under Section 76 of the Act before the Maharashtra Revenue Tribunal (for short 'M.R.T.').

3. Mr. Kate, therefore, seeks permission to withdraw this Petition and assures that within two weeks from today, petitioners will file revision application before the M.R.T. He submits that as the petitioners were prosecuting this Petition bonafide in this Court, the time spent by the petitioners in prosecuting this Petition from 09.10.2018 till date may

be excluded while considering the issue of limitation.

4. In view thereof, on the motion made by Mr. Kate, Petition is allowed to be withdrawn with liberty as prayed for. It is made clear that I have not examined the merits of the case. All contentions of the parties on merits are expressly kept open. As the petitioners were prosecuting this Petition bonafide in this Court, if revision application is filed within two weeks from today, the time spent by the petitioners in prosecuting this Petition from 09.10.2018 till date shall be excluded while considering the issue of limitation. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab