

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3591 OF 1997

Ramakant Haribhau Upasani

Petitioner

Versus

Yamunabai Eknath Deshpande

Respondent

Mr.Jitendra Patil, Advocate holdilng for Mr.P.R.Katneshwarkar,
Advocate for the petitioner.

Mr.S.T.Shelke, Advocate for the Respondent.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 18/07/2019

PER COURT :

1 On 09.05.2017, the following order was passed:

“1 While the matter is called out, it transpires that, there had been no response to notice of High Court about matter being placed in the list of matters for hearing during summer vacation – 2017. Neither the matter is mentioned nor learned advocate for petitioner is present. Learned counsel for respondent is present.

2 Stand over to 219th June, 2017.”

2 On 29th June, 2019, none appeared for the parties and the matter is posted today for passing orders.

3 This matter pertains to recording of name in the crop cultivation column and carrying out mutation entries. The petitioner is aggrieved by the order of the Additional Commissioner, Nasik, dated 08.08.1997, by which the decision of the Additional Collector, Ahmednagar, has been quashed and set aside on the ground that the authority below merely relied upon the *panchanama* and the defective orders and did not follow the proper procedure.

4 I have considered the strenuous submissions of the learned advocates for the respective sides and with their assistance, I have gone through the petition – paper book and the record available.

5 There is no dispute that the petitioner was declared as a tenant by order dated 15.04.1993 in Tenancy Proceedings No. 05 of 1990. The said order was confirmed by the Sub Divisional Officer vide his order dated 29.07.1995. The Revision against the said order of the Sub Divisional Officer was pending before the Maharashtra Revenue Tribunal, Pune.

6 Both the learned advocates submit that their respective clients are not in touch and they have no instructions.

7 I find that RCS No.92 of 1990 was initiated between the parties.

8 One Shridhar, who claimed to be the successor-in-title of Smt.Yamunabai Eknath, deceased Respondent No.1 in this petition, approached the M.R.T. In Revision Application No.MRT.AH.X.5/95. By order dated 27.03.1998, the learned M.R.T. stayed the order dated 15.04.1993, passed by the Tahsildar, Akole and the order dated 29.07.1995, passed by the Sub Divisional Officer, Sangamner.

9 In view of the above, this petition is dismissed for non prosecution. Rule is discharged.

10 In the event of any grievance surviving and if the said litigating parties approach this Court for the restoration of this petition, the same would be considered on its own merits.

(**RAVINDRA V. GHUGE, J.**)