

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9086 OF 2018

DEEPA SHAMA PAWAR AND OTHERS
VERSUS
ROSHANBEE SHAIKH RAHIM THR LRS

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Advocate for Petitioners : Shri Patil Ujwal Subhash

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CORAM : RAVINDRA V. GHUGE, J.
Dated: January 21, 2019

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PER COURT :-

1. These petitioners are aggrieved by the order of Maharashtra Revenue Tribunal ("MRT") dated 21.9.1990.
2. The sequence of events are narrated as under:-
 - (a) RCS No.138 of 1979 is still pending before the trial Court at Beed.
 - (b) These petitioners are subsequent purchasers of the land having purchased it from the original defendants 1 to 3
 - (c) Considering the tenancy issue, the trial Court stayed the suit and referred the matter to the tenancy court.
 - (d) The Additional Tahsildar Beed passed an order on 10.7.1987.
 - (e) The Dy. Collector, Land Reforms, Beed passed an order on

24.6.1988.

(f) Case No.95/Beed/88 was filed by the original applicants, which was decided on 21.9.1990 by the M.R.T.

(g) Writ Petition No.548 of 1992 was preferred by the defendants since the order dated 21.9.1990 was against them. This Court admitted the petition. The said petition was dismissed as abated by order dated 20.6.2013 by this Court, due to the demise of the original litigants.

(h) The original plaintiffs filed Exhibit 38, as the petitioners had purchased the land from the original defendants, seeking leave to add them as defendants in RCS No.138 of 1979.

(i) By order dated 6.10.2016, the trial Court allowed the said addition and these petitioners became the defendants.

(j) These petitioners then moved Civil Application No.3378 of 2017 in Writ Petition No.548 of 1992, seeking restoration of the petition. By order dated 15.9.2017, this Court (Coram : N.W.Sambre, J.), rejected the civil application.

3. The contention of the petitioners is that they have purchased the land at issue during the pendency of the litigation by the sale deeds, mostly executed in 1996, 1997 and one in 2010. They, therefore, have a right to challenge the order of the MRT dated 21.9.1990.

4. It is obvious that as these petitioners are purchasers of the land which was subject matter of the pending litigation. Their rights would

be akin to the rights of their vendors. They had approached this Court by filing Civil Application No.3378 of 2017, in which, it was specifically contended that they have stepped into the shoes of the petitioners in Writ Petition No.548 of 1992 and they be permitted to be brought on record in the said petition which is dismissed as abated and they be permitted to work out the said petition. These prayers were specifically refused by this Court (Coram : N.W.Sambre, J.), by order dated 15.9.2017 and they were granted liberty to take steps as are permissible in law. Since specific prayers and requests made in the civil application, which were aimed at assailing the order of the MRT dated 21.9.1990, had been rejected by this Court, a second petition for challenging the said order claiming to be purchasers pendente lite, cannot be entertained.

5. This petition is, therefore, dismissed. Needless to state, as these petitioners have been arrayed as defendants in RCS No.138 of 1979, they are at liberty to canvass their respective cases in the said suit. As the said suit is pending from 1979, the trial Court is directed to decide the said suit on/or before 30.4.2019 and the matter should be conducted by the trial Court on day to day basis. Adjournments would be refused by the trial Court.

(RAVINDRA V. GHUGE, J.)

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