

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9729 OF 2019

GURUDAS RANGNATH MAHAMUNI
VERSUS
THE UNION OF INDIA, THROUGH ITS SECRETARY AND
OTHERS

...

Advocate for Petitioner : Mr. Swami Sandeep C.
Advocate for Respondent No. 1 : Mr. Amol Phatale
AGP for Respondents / State : Mr. A. R. Kale

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CORAM: S. V. GANGAPURWALA &
MANGESH S. PATIL, J.

DATE: 05th AUGUST, 2019

PER COURT:

1. Heard Mr. Swami, learned counsel for the petitioner.

2. The learned counsel submits that the petitioner has filed the civil suit. In the civil suit, application was also filed seeking injunction restraining the defendants to withdraw the amount. The Court passed an order of *status quo* on 29.11.2017 and 10.01.2018. The order of *status quo* was continued till the next date. The

impugned order is passed in June-2019. The operative part of the order reads as under -

“ //आदेश //

१. तक्रारदार गुरुदास रंगनाथ महामुनी रा. औसा ता. औसा यांचा आक्षेप अर्ज अमान्य करण्यात येतो.
२. मौ. औसा ता. औसा येथील जमीन गट नं. २६५ मधील ५०० चौ. मी. क्षेत्राचा मावेजा गुरुलिंग नागनाथ कंठेकर यांना निवाड्याप्रमाणे मालकीबाबत सर्व अभिलेखाची खात्री करून नियमाप्रमाणे वाटप करावा.
३. मा. दिवाणी न्यायाधीश वरिष्ठ स्तर लातूर यांचे नायालयातील दाखल दिवाणी दावा क्र. ४४५/२०१७ व दिवाणी दावा अपील २४५/२०१८ मधील निर्णय सर्व हितसंबंधीताना बंधनकारक राहील. तसेच मा. न्यायालयाने मालकी सिद्ध केल्यास उचलण्यात आलेला मावेजा व्याजासह परत करण्याच्या अटीवर शपथपत्र घेऊन नियमानुसार वाटप करावा.
४. सर्व संबंधीतांना कळवून प्रकरण बंद करा व संचिका अभिलेख कक्षास दाखल करा.”

3. The petitioner had already resorted to the proceeding before the Civil Court and the suit filed by the petitioner for declaration of the sale deed and the decree passed is pending.

4. Considering the pendency of the civil suit, the competent authority has passed the afore referred conditional order. It appears that the petitioner has also filed application before the civil Court under Order XXXIX Rule 2A before the civil Court. The petitioner may prosecute the application on its own merits.

5. Considering the above, the impugned order needs no interference at the hands of this Court, as the dispute is already subjudice before the civil Court.

6. Writ Petition is disposed of. No costs.

[MANGESH S. PATIL, J.] [S. V. GANGAPURWALA, J.]

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