

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO. 130 OF 2019

Balaji s/o Nilkanthrao Tudme

.. Petitioner

versus

Pandhari s/o Jairam Bhure

.. Respondent

Mr Ravibhushan P. Adgaonkar, Advocate for petitioner

Mr Avinash Khade, Advocate for respondent no. 1.

CORAM : SUNIL P. DESHMUKH, J.

DATE : 8th February, 2019

ORDER :

1. After hearing learned counsel, it transpires that there is no dispute that tenancy issue has been referred to tenancy authorities and is pending adjudication.

2. In the circumstances, having regard to section 99A of the Hyderabad Tenancy and Agricultural Lands Act, 1950 reading thus,

" 99A. (1) If any suit instituted in any Civil Court, involves any issues which are required to be settled, decided or dealt with by any authority competent to settle, decide or deal with such issues under this Act (hereinafter referred to as the "competent authority") the Civil Court shall stay the suit and refer such issues to such competent authority for determination.

(2) On receipt of such reference from the Civil Court the competent authority shall deal with and decide such issues in accordance with the provisions of this Act and shall communicate its decision to the Civil Court and such Court shall thereupon dispose of the suit in accordance with the procedure applicable thereto.

Explanation.-- For the purpose of this section a Civil Court shall include a Mamlatdar's Court constituted under the Mamlatdar's Courts Act, 1906. " ,

if the tenancy issue is pending adjudication, the situation will have to be looked into accordingly having regard to section 99A of the Act.

3. In view of aforesaid, petitioner shall make appropriate application before trial court. Impugned order in present writ petition shall not be an impediment for consideration of the application.

4. Simultaneously, parties shall make appropriate application before the Maharashtra Revenue Tribunal for expeditious disposal of revision.

5. Writ petition, in view of aforesaid, is disposed of.

SUNIL P. DESHMUKH
JUDGE

pnd/-