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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4312 OF 2019**

Jayesh @ Nandu Shrikrushna Bhagwat

.....Petitioner

V/s.

Bhargawram Devsthan Committee,
Dhawadashi through its Trustees

.....Respondent

Mr. Manmath S. Athtalye for the Petitioner

CORAM : NITIN W. SAMBRE, J.**DATE : JULY 8, 2019.****P.C.**

Heard.

2 70B proceedings under the provisions of Maharashtra Tenancy and Agricultural Lands Act, 1948 ('the Act' for short) thereby refusing to declare the petitioner as a tenant of the respondent, passed by the Tahsildar was confirmed in an Appeal by Sub-Divisional Officer ('SDO' for short). The Maharashtra Revenue Tribunal ('MRT' for short) dismissed the Revision preferred by the

petitioner. As such, this petition.

3 The submissions are, the 1955 document demonstrating the tenancy of the grandfather of the petitioner and the notice under Section 32G proceedings are not appreciated. According to the learned counsel, MRT has dismissed the Revision on merit, although the learned counsel for the petitioner was absent. As such, according to him, the indulgence is warranted.

4 With the assistance, I have perused the order passed by Tahsildar, SDO and MRT.

5 The fact remains that the evidence which is sought to be relied upon before this Court in the form of revenue entries of 1955 and the notice issued under Section 32G of the Act in 1966 were never produced before any of the authorities below. The petitioner, for the first time trying to canvass the said issue before this Court by submitting that it was the intention of the petitioner to produce the same for appreciation before MRT.

6 I am afraid, the said contentions cannot be accepted as it is not open for the MRT in its Revisional Jurisdiction to re-appreciate the evidence. The case in hand is, evidence which was not produced before both Authorities below so also before MRT is sought to be relied upon for assailing the order of the Authorities below.

7 In view of the concurrent findings and the aforesaid position as observed, petition, in my opinion lacks merit. Petition stands dismissed.

[NITIN W. SAMBRE, J.]