

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11625 OF 2018

Eknath Tayappa Javir

... Petitioner

Versus

Bajirao Kisan Pawar & Ors.

... Respondents.

.....

*Mr. P. B. Gujar for the Petitioner.**Smt. V. S. Nimbalkar, AGP for Respondent Nos.2 to 4 -State.*

.....

CORAM : A. S. GADKARI, J.

DATE : 27TH SEPTEMBER, 2019**P. C. :**

1. By the present petition, the petitioner has taken exception to the Order dated 28.09.2018 passed by the Sub-Divisional Officer, Dahiwadi, the respondent No.3 herein, rejecting his application for stay in Revision application No. 97 of 2017.

2. Heard Shri Gujar learned Advocate for the petitioner and the learned AGP for Respondent Nos.2 to 4. The note put up by the Registry mentions that, the respondent No.1 is duly served. Despite service, none appears for the respondent No.1.

3. The record reveals that, the respondent No.4 has allowed application filed by the respondent No.1 under Section 5 of Mamlatdars Courts Act, 1906 by its Order dated 23rd February 2018, thereby directing

the petitioner not to create obstruction in the way of the respondent No.1 pertaining to the suit land mentioned in the said order.

4. Being aggrieved by the said Order, the petitioner preferred Revision No. 97 of 2018 before the Respondent No.3 in the month of June 2018 and also filed an application for stay of the Order passed by the respondent No.4 dated 23rd February 2018. The respondent No.3 by writing in the margin on the stay application in cryptic words that “stay application is rejected”, rejected the said application. No reasons at all, are given by the respondent No.3, while rejecting the said application.

5. The record indicates that, by an Order dated 17th October 2018 while issuing notice to the respondents, this Court directed the parties herein to maintain status-quo. The said order has been subsequently extended from time to time till today.

6. As the Revision Application No. 97 of 2018 filed by the petitioner is pending on the file of respondent No.3, it would be appropriated to direct the respondent No.3 to decide the said application within a period of six months.

7. Hence the following Order :

A] The Order dated 29th August 2018 passed by the respondent No.3 in stay application filed in the Revision Application No. 97 of 2018 is hereby quashed and set aside.

B] The respondent No.3 is directed to finally decide the said Revision No. 97 of 2018 within a period of six months from the date of the receipt of the present Order.

C] Till the decision of the said Revision, interim relief granted by this Court by its Order dated 17.10.2018 shall remain in force.

8. Petition is allowed in the aforesaid terms.

(A. S. GADKARI, J.)