

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13409 OF 2018

Nivrutti Aakaram Kharade & Ors.	...	Petitioners
V/s.		
Kundlik Vithoba Mohite & Ors.	...	Respondents

Mr.Ranjeet Patil for Petitioners.
Mr.K.J. Phakade for Respondent Nos.1 to 8, 12, 13, 16 to 21, 25 and 26.
Mr.S.D. Rayrikar, AGP for Respondent Nos. 29 and 31.

CORAM : A.S. GADKARI, J.

DATE : 17th September 2019.

PC. :

1] In pursuance of Order dated 2nd August 2019, the learned AGP has personally verified record pertaining to the impugned Order dated 5th April 2017 passed in Revision Application No. 32 of 2015 by the Deputy Collector, Miraj Sub-Division, Miraj, District Sangli.

Learned AGP after perusing the record fairly submitted that, the application for amendment filed by the petitioners was allowed by the respondent No.31 on 26th November 2015 and necessary amendment in the proceedings was carried out on 4th December 2015.

He further fairly submitted that, in view thereof, the observations made by the respondent No.31 in the impugned Order pertaining to non compliance of the Order of effecting amendment is incorrect.

2] Learned counsel appearing for the contesting respondents also fairly conceded the said aspect.

3] In view thereof, the impugned Order dated 5th April 2015 passed by the respondent No.31 in Revision Application No. 32 of 2015 is hereby set-aside.

The said Revision Application No. 32 of 2015 is restored to the file of the respondent No.31.

The respondent No.31 is directed to hear the petitioners and the respondents herein afresh and pass appropriate Orders as per the provisions of law.

4] As the Revision Application filed by the petitioners is of the year 2015, the respondent No.31 is hereby further directed to make an endeavour to conclude the hearing of the said Revision Application within a period of six months from today.

5] During the *pendency* of the said Revision Application, ad-interim relief granted by this Court by Order dated 30th January 2018 shall continue.

6] The petitioners and the contesting respondents herein are directed to appear before the respondent No.31 on 3rd October 2019 at 2.30 pm.

7] Petition is allowed in the aforesaid terms.

[A.S. GADKARI, J.]