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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 948 OF 2002
WITH
CIVIL APPLICATION NO. 1116 OF 2005

Chandar Laxman Dhokale
R/o Kaledhon, Taluka Khatav,
District – Satara.

.. Petitioner

Versus

Jagannath Daji Dhokale
(since deceased through LRs)
1 A. Jalinder Jagannath Dhokale & Ors.

.. Respondents

Mr. P. B. Shah for the Petitioner.
Ms. Vaidehi Pusalkar a/w Vinit Vaidya I/by H. S. Venegavkar for
Respondents.

CORAM: PRADEEP NANDRAJOG, CJ.

JULY 25, 2019.

P. C.:

1. Heard learned counsel for the parties.

2. Challenge is to the order dated 17 January 1998 passed by the Maharashtra Revenue Tribunal, Pune, dismissing Revision Application filed by the Petitioner which laid a challenge to the Tenancy Appeal decided by the Sub Divisional Officer, Phaltan on 28 December 1992. The Appeal upheld the order dated 31 December 1982 passed by the Tahsildar, Khatav (Vaduj). Meaning thereby, the Petitioner has three concurrent findings against him.

3. The Petitioner had filed a Civil Suit concerning agricultural lands in village Kaledhon belonging to Jagannath Daji Dhokale. Case pleaded is that his father Mahadu Bahaji Dhokale had, under a oral lease, leased the said lands to petitioner's father in the year 1942 and since tenancy laws permitted the tenant to purchase the tenanted land, his father purchased the same.

4. Since an issue of tenancy rights in agricultural lands arose, the learned Civil Judge settled the issue : *Does the plaintiff prove his father Laxman became the deemed purchaser of the suit property?* It was referred to the Tahsildar who, held that the petitioner has not proved his father being a tenant and thus question of he being a deemed purchaser does not arise. Independent thereof, there was no evidence of his father being the deemed purchaser.

5. The finding of fact has been affirmed in Tenancy Appeal as also the Revision Application.

6. I have repeatedly put it to the learned counsel for the petitioner as to where is the evidence of petitioner's father being a tenant. Counsel has no answer. Where is the document of petitioner's father being the deemed owner? Learned counsel has no answer.

7. The Writ Petition is accordingly dismissed.

8. In view of the above, Civil Application No. 1116 of 2005 is disposed of as infructuous.

CHIEF JUSTICE