

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

WRIT PETITION NO. 69 OF 1999

Shri Laxman Bhagwant Phadnis ... Petitioner.
R/at. 1182-A.P.W.D.Colony,
Takala, Kolhapur.

V/s.

Rajiv Anant Phadnis, ... Respondent.
R/at. & Post. Nhaveli,
Tal. Chandgad, Dist. Kolapur.

Ms. Anjali Helekar, Advocate for the Petitioner.
Mr. Deepak R. More, Advocate for the Respondent.

CORAM : UJJAL BHUYAN, J.

DATE : NOVEMBER 07, 2019.

PC :

1 Heard Ms. Anjali Helekar, learned counsel for the Petitioner and Mr. Deepak R. More, learned counsel for the Respondent.

2 In view of the consensus of the parties at the Bar, the Writ Petition can be disposed of without entering into the factual controversy.

3 Revision Application filed by the Petitioner being Revision Application No. MRT.KP. 02 of 1992 was

pending before the Maharashtra Revenue Tribunal, Pune (camp at Kolhapur) in which the Respondent was the Opponent. The Revision was filed against order dated 24.08.1991 passed by the Sub-Divisional Officer, Gadhinglaj Division, Gadhinglaj in Tenancy Appeal No. 26 of 1991, dismissing the Appeal of the Petitioner.

4 On the date fixed for hearing of the Revision Application, both sides had filed applications seeking adjournment of the hearing of the case on the ground of their inability to remain present on the particular date. Unfortunately, without considering this aspect, trial Court went ahead with the hearing of the Revision Application and dismissed the same by his order dated 01.01.1998.

5 Court is in agreement with the sentiments expressed at the Bar by learned counsel for the parties that the Revision Application may be heard and decided on merit, after hearing arguments of learned counsel appearing for both the parties.

6 Therefore, without expressing any opinion on merit, impugned order dated 01.01.1998 is set aside and the matter is remanded back to the Revisional Authority i.e. Maharashtra Revenue Tribunal, Pune

(Camp at Kolhapur) to hear and decide the Revision Application No. MRT. KP-02 of 1992 within a period of two months from the date of appearance of both the parties before the said Authority. All contentions of the parties are kept open.

7 Since learned counsel for both the parties are present, it is hereby directed that the parties shall appear before the Revisional Authority on 02.12.2019 at 10.30 a.m, alongwith an authenticated copy of this order.

8 Writ Petition is disposed of on the above terms.

(UJJAL BHUYAN, J.)

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