

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4300 OF 2018

Kashinath K. Deshpande (Deceased)
Through LRS. & ors.

... Petitioners

Versus

Shri Vasant Namdeo Shinde & Anr.

... Respondents

.....

Mr. Sanjay Mehta, Advocate for the Petitioners.

Mr. G. H. Keluskar, Advocate for the Respondents.

.....

CORAM : A. S. GADKARI, J.

DATE : 27TH SEPTEMBER, 2019

P. C. :

1. By the present petition under Article 227 of the Constitution of India, the petitioners – original landlords have impugned the Judgment and Order dated 20th June 2017 passed by the learned Member of the Maharashtra Revenue Tribunal, Pune Bench, Pune (for short “Revenue Tribunal”) in Revision Application No. TNC/REV/8/2004/P, rejecting the said revision and confirming the Order dated 31st October 2003 passed by the Sub-Divisional Officer, Pune Sub-Division, Pune in Tenancy Appeal No. 06 of 1999.

2. Heard Mr. Mehta, learned counsel for the petitioners at length and Mr. Keluskar for the respondents. Perused the record.

3. The record indicates that, the claim of respondents as tenants

in the suit property belonging to the petitioners has been upheld by this Court by its Order dated 21st July 1975. By the said Order, the Order passed by the Maharashtra Revenue Tribunal, Pune dated 27th February 1975 declaring the respondent Nos. 1 to 3 as tenants of the petitioners was upheld by this Court.

4. The record further clearly indicates that, the petitioners again filed Tenancy Appeal No. 6 of 1999 before the Sub-Divisional Officer, Pune Sub-Division, Pune claiming that, the respondents are not their tenants and disputed their possession in suit land. The Sub-Divisional Officer by its Judgment and Order dated 31st October 2003 rejected the said appeal. The petitioners thereafter preferred Revision Application No.TNC/REV/8/2004/P before the Maharashtra Revenue Tribunal, Pune Bench, Pune. The Revenue Tribunal by its impugned Order dated 20th June 2017 has rejected the said revision.

5. It is to be noted here that, by the Order dated 21st July 1975 passed by this Court in Civil Application No.1157 of 1975, as noted earlier, this Court has already held that the respondents are tenants of the petitioners.

6. It appears that, the petitioners were thereafter, advised to file fresh round of litigation claiming possession of land being landlords. The Revenue Tribunal after taking into consideration the aforestated facts has rejected the said application. The Revenue Tribunal has held that, even claim of the petitioners under Section 32-O of the Bombay Tenancy and

Agricultural Lands Act can not be entertained. It is further held that, the statement made by the petitioners in Revision bearing No. ALT/SR/377/1978 was false statement.

7. After perusing the entire record, this Court is of the considered view that the Petitioner at the first instance ought not have filed fresh application before the Revenue Authority claiming possession of the said land, as the respondents tenancy has already been affirmed by this Court by its Order dated 21st July 1975 as noted earlier. The impugned Order passed by the Revenue Tribunal does not suffer from any error.

8. The petition is being dehors of merits, is accordingly dismissed in *limine*.

(A. S. GADKARI, J.)