

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH NAGPUR

CIVIL REVISION APPLICATION NO.124/2018

Shri Shantanu S/o. Madhusudan Pande & Oth.

..VS..

Shri Keshav Narayanrao Chichghare & Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri C. N. Deshpande, Advocate for the applicants

Shri Firdos Mirza, Advocate for the respondent Nos.1 & 2

CORAM : Z.A.HAQ, J.

DATED : 11th September 2019

Heard.

2] The non-applicants have filed civil suit
praying for decree in the following terms:

*“PRAYER : It is, therefore, prayed that :-
(a) it may kindly be declared that the
plaintiffs are the owners of suit field;
b) the defendants may kindly be
restrained from claiming any interest in
suit field and entering into the suit field;
(c) the defendants may kindly be directed
to pay Rs.4 Lacs with reasonable interest
thereon from the institution of this suit till
the realisation of the decretal amount;
(d) cost of this suit may kindly be saddled
on the shoulders of the defendants;
(e) any other relief which the Hon'ble
Court deems fit may kindly be granted in
favour of plaintiffs.”*

3] In this civil suit, the applicants/defendants
had filed an application (Exh. 12) under Order 7 Rule 11
of the Code of Civil Procedure contending that the civil
suit is not maintainable as the plaintiffs are indirectly

challenging the order passed by the Sub-Divisional Magistrate under Section 145 of the Code of Criminal Procedure and the order passed by the learned Sessions Judge in revision. The defendants contended that the plaintiffs are further seeking to challenge the order passed by Tahsildar, Umred on 25th February 2016 against which the plaintiffs had already filed an appeal before the Sub Divisional officer, and according to the defendants, the jurisdiction of the Civil Court to consider this challenge is impliedly barred in view of the provisions of Section 20 (4) of the Maharashtra Land Revenue Code, 1966. This application (Exh. 12) is dismissed by the impugned order.

4] With the assistance of the learned Advocates of the respective parties I have examined the plaint, application (Exh.12) and have gone through the impugned order. I find that the contentions of the applicants/defendants, relying on Section 20 (4) of the Maharashtra Land Revenue Code are misdirected. It cannot be said that the Civil Court has no jurisdiction to entertain the civil suit for the reliefs as sought by the plaintiffs in the plaint. In my view, learned trial Judge has properly appreciated the controversy and had rightly rejected the application (Exh.12). It cannot be said that the learned trial Judge has committed any patent illegality, irregularity or error of jurisdiction which necessitates interference by this Court in the revisional jurisdiction.

Hence, this civil revision application is **dismissed**. In the circumstances, parties to bear their own costs.

CIVIL APPLICATION NO.59/2019

In view of disposal of civil revision application, the application praying for permission to file additional documents on record does not survive, hence it is **disposed**.

JUDGE

Namrata