

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.3401 OF 2020

MURLIDHAR BABURAO SHELKE THROUGH GPA BALASAHEB
MURLIDHAR SHELKE
VERSUS
BHAU LAXMAN SHELKE AND OTHERS

...
Advocate for the Petitioner : Shri Jadhavar Santosh S.
Advocate for Respondent 1 : Shri Kale Ajeet B.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 28th February, 2020

Per Court:

1 The learned advocate for the petitioner submits, on instructions, that as his Revision Application No.41/B/2019/AN has been held to be untenable in law by the learned Maharashtra Revenue Tribunal (MRT) by the impugned order dated 23.01.2020, he would resort to the remedy as is available in law. It is only prayed that as the learned MRT has held that the revision was not maintainable, all observations made on the merits of the claim of the petitioner will have to be ignored.

2 It is settled law that when the court concludes that a particular proceeding is not tenable in the Court, it is a matter of self imposed restraint to avoid making any comment or drawing any conclusion or observation about the merits of the matter.

3 In view of the above, this Writ Petition is disposed off with
liberty to the petitioner to avail of the statutory remedy.

4 As the learned MRT has concluded that the revision filed by
the petitioner is not maintainable, all observations made by the said
Tribunal on the merits of the dispute in the matter, shall be ignored by the
appropriate forum, which shall decide the proceeding on it's own merits.

kps

(RAVINDRA V. GHUGE, J.)