

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.5690 OF 2020

SAMPAT DAMU KANWADE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Nagargoje Ankush N.
AGP for Respondents No. 1 to 3/State : Mrs. D.S. Jape.
Advocate for Respondents No. 4 to 10 : Mr. Kute Rajendra L.

CORAM : MANGESH S. PATIL, J.

DATE : 23/09/2020

PER COURT :

Heard both the sides. The petitioner is before this Court being aggrieved and dissatisfied by the order dated 11.08.2020 passed by the Sub Divisional Officer Sangamner in a proceeding filed under sub Section 2 of Section 23 of the Mamlatdars' Courts Act whereby the order granting *status quo* to be maintained till decision of the Revision has been vacated.

2. Admittedly, the matter is before the learned Sub Divisional Officer in the form of Revision under Section 23(2) of the Mamlatdars' Courts Act and needless to state that it would reach a logical conclusion in due course. That being the substantive matter, the respective rights of the parties would be decided in the main proceeding itself. This being the state of affairs, in my considered view it would be appropriate to direct the learned Sub Divisional Officer to decide the Revision finally in a time bound manner.

3. So far as the other part of the present petition impugning the order of the learned Sub Divisional Officer is concerned, already the learned Sub Divisional Officer has made it clear that the prayer of the petitioner in the application seeking stay to the Revision proceeding till decision of the

Regular Civil Suit is concerned that would be the matter which he would decide while deciding the Revision. Apparently, he has not rejected the request outrightly and will be considering it while deciding the Revision and therefore no relief in that respect need to be granted to the petitioner in this petition.

4. In view of above, the Writ Petition is partly allowed.

5. The impugned order is quashed and set aside. Learned Sub Divisional officer shall decide the Revision within two months. It is expected that the parties would cooperate with the learned Sub Divisional Officer and will not seek unnecessary adjournments. In case the matter is decided against the present petitioners, operation of the order passed by the learned Sub Divisional Officer shall stand stayed for a period of two weeks.

(MANGESH S. PATIL, J.)

mkd