

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

59 WRIT PETITION NO.13688 OF 2018

BABAN ROHIDAS KACHARE AND OTHERS
VERSUS
RAJENDRA SHRIMANT BHOS AND OTHERS

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Advocate for Petitioners : Mr. Gholap Ajit M.
Advocate for Respondents No.1 & 2 :Mr. N.C. Garud
Advocate for Respondents No.3 & 4 :Mr. S.S. Manale

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CORAM: ROHIT BABAN DEO, J.

Date: FEBRUARY 3RD, 2020

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PER COURT :-

1 The petitioners are the plaintiffs in RCS No.355/2015 brought against the respondents – defendants for perpetual injunction on the allegations that the defendants are disturbing the peaceful possession and enjoyment of the agricultural field by entering their field on the premise that the defendants have right of way.

2 The plaintiffs sought temporary injunction restraining the defendants from entering their field, which is rejected. The plaintiffs approached the Appellate Court which dismissed the Miscellaneous Civil Appeal. The plaintiffs are challenging the concurrent orders in writ petition.

3 During the course of hearing, it has transpired that there is an order passed under section 5 of the Mamlatdar Courts Act in favour of defendants. The plaintiffs have challenged the said

order in revision under section 23(2) of the said Act. However, the Revisional Authority has declined to proceed with the matter in view of pendency of this writ petition.

4 This petition can be disposed of by directing the Sub-Divisional Officer, Ahemadnagar – revisional authority to decide the revision preferred by the present petitioners within 60 days from the date of appearance of the parties. The parties are directed to appear before the Sub Divisional Officer – Revisional Authority on 7.2.2020. No separate notice shall be necessary.

5 The petitioners – plaintiffs and the defendants – respondents are at liberty to approach the Civil Court for an appropriate protection order if it is necessary in view of the observations or findings in the final order in revision. It is made clear that, irrespective of outcome in the revision and irrespective of any application which may be preferred by the contesting parties, the Trial Court shall endeavor to finalize and decide the suit within six months.

6 The petition is disposed of.

(ROHIT BABAN DEO, J)