

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6168 OF 2016

Sakhahari Ramchandra Khandekar & Ors.	..Petitioners
Vs.	
Sopan Haibati Pawar and Ors.	..Respondents

**WITH
WRIT PETITION NO.6167 OF 2016**

Gayabai Narayan Khandekar and Ors.	..Petitioners
Vs.	
Anjanabai Babanrao Muradnar and Ors.	..Respondents

.....

Mr. Sachin Chavan, Advocate for Petitioners.
Mr. Sachin Gite, Advocate for Respondent Nos.1 to 4.
Mr. P. P. Pujari, AGP for Respondent Nos.6 to 8/ State.

**CORAM : C.V. BHADANG, J.
DATE : 28th FEBRUARY, 2020**

PC.

1. The challenge in this petition is to the judgment and order dated 11/9/2015 passed by the learned Mamlatdar in Vahiwat Case No.37/2014 by which the application under Section 5 of the Mamlatdar's Court's Act, 1906 ('Act' for short) filed by the respondent Nos.1 to 5 has been allowed. That order is confirmed by learned Deputy Collector on 17/5/2016 in RTS/Revision No. No.23/2016.

2. On hearing learned counsel for the parties and on perusal of record, it transpires that said order is in operation from May 2016 as

there is no interim relief granted by this Court. Even otherwise, no case for interference is made out.

3. Learned counsel for the private respondents states that the road is being used by the respondents.

4. Learned counsel for the petitioners at one stage submitted that the petitioners shall consider taking recourse to the remedy of filing a civil suit.

5. In that view of the matter, the petition is disposed of with no order as to costs.

6. Needless to mention that in the event the petitioners file a civil suit, the Civil Court shall decide the same on its own merits and in accordance with law without being influenced by the observations in the impugned orders.

7. The rival contentions of the parties, on merits, are left open.

C.V. BHADANG, J.