

VPH

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (St.) No. 28577 OF 2018

Dattatray Bhikaji Bakalkar
(Since deceased, through LRs.) & Ors. ... Petitioners
Vs.
Shankar Ganpat Solgavkar ... Respondent

Mr. S. G. Karandikar i/b A. G. Kundekar, for the Petitioners.

Mr. Sanskar Marathe, for the Respondent.

CORAM : C. V. BHADANG, J.

DATE : JANUARY 16, 2020

PC :

1. Heard learned counsel for the parties for some time. The order challenged in this petition, is order passed by the Maharashtra Revenue Tribunal (for short "Tribunal"), thereby remanding the appeal to the learned Sub-Divisional Officer, Rajapur for deciding the appeal afresh, in accordance with law.

2. The only contention raised on behalf of the Petitioners is that once the MRT has come to a conclusion that the order passed by the Sub-Divisional Officer was illegal, revision application should have been allowed in its entirety. In other words, his only contention is that order of remand in such a case is not justified.

3. I have considered the submissions made. Normally, this

Court would be slow in interfering with the order of remand, inasmuch as such, such an order does not finally decide the contentions and rights of the parties. The learned MRT after finding that order of Sub-Divisional Officer was not sustainable, in its discretion has found it fit to remand the matter back to the learned Sub Divisional Officer, where Petitioners would get opportunity of being heard and raise all such contentions, both on law and facts, as may be available to them. In the facts and circumstances of the case, the impugned order does not require interference of this Court in exercise of supervisory jurisdiction under Art. 227 of the Constitution of India, inasmuch as the impugned order does not result into manifest injustice (see decision of the Supreme Court in the case of *Shalini Shetty & Anr. Vs. Rajendra Shankar Patil*¹). In the result, writ petition is dismissed with no order as to costs. Rival contentions of the parties are left open.

4. The Sub-Divisional shall proceed to hear and decide the appeal as expeditiously as possible, preferably within six months from the date of receipt hereof. Parties are directed to co-operate for time bound disposal of the appeal.

5. Writ petition is disposed of in the aforesaid terms.

Sd/-
C. V. BHADANG, J.

Vinayak Halemath

1 (2010) 8 SCC 329

Vinayak
P.
Halemath

Digitally signed
by Vinayak P.
Halemath
Date: 2020.01.17
10:48:41 +0530