

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2297 OF 2022

Dattatraya Vithoba Shelke

.. Petitioner

Versus

Bibhishan Mitriam Bhosale and ors.

.. Respondents

-
- Mr. Mahadeo A. Choudhari for the Petitioner
 - Mr. Sandeep S. Salunkhe for the Respondents
-

CORAM : MILIND N. JADHAV, J.

DATE : APRIL 13, 2022

P.C.:

1. Heard.

2. The dispute between the parties is the subject matter of two proceedings viz.; (i) R.C.S. No. 85/2020 filed on 05.09.2020 by the Petitioner, and (ii) Revision Application No. 10/2020 filed on 04.01.2022 before the S.D.O., Pandharpur under the provisions of Section 23 of the Mamlatdar Court's Act, 1906.

3. Admittedly, the aforesaid proceedings are in respect of the same cause of action. After hearing the Advocates yesterday, Mr. Choudhari was directed to take instructions from his client about withdrawal of the pending suit. Hence the matter was kept today. Mr. Choudhari, makes a statement that if the Petitioner is allowed to prosecute his

Revision Application under the Mamlatdar Courts Act before the Appellate forum, the Petitioner shall withdraw the pending R.C. Suit. His statement is accepted as an undertaking given to the Court. The Petitioner shall withdraw the pending R.C. Suit within a period of one week from today.

4. In the event if the aforesaid suit is withdrawn by the Petitioner, the Revision Application pending before the S.D.O., Pandharpur under the Mamlatdar Courts Act shall be decided by the said Competent Authority within a period of 12 weeks thereafter in accordance with law. In so far as the subject property is concerned, status quo shall be maintained by both the parties as on today till the decision in the Revision proceedings before the S.D.O. All contentions of the parties are expressly kept open.

5. In view of the aforesaid directions, Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]