

Arjun

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

WRIT PETITION NO.5224 OF 2022

Bajirao Sitaram Gaikwad (deceased) ...Petitioners
through Legal Heirs

1A) Shri. Baban Bajirao Gaikwad & Ors.

V/s.

Sou. Jijabai Laxman Jagtap & Anr. ...Respondents

Mr. Abhijit P. Kulkarni, for the Petitioners.

Mr. P. B. Gujar, for the Respondents.

CORAM : MADHAV J. JAMDAR, J.

DATE : 18th NOVEMBER, 2022

P.C.:

1. In this Writ Petition, the Petitioners are challenging order dated 23rd December, 2021 passed by learned Member (Judicial), Maharashtra Revenue Tribunal, Pune in Tenancy Revision Application No.550 of 2008 by which, order of stay dated 7th October, 2009 which was in operation for about 12 years was vacated.

2. It appears that, during the hearing before the Maharashtra Revenue Tribunal, Pune, Advocate of the Petitioners was not present in the morning session on 7th

October, 2019. It is stated that learned Advocate was busy in District Court, Pune and his assistant Advocate requested to keep back the matter. However, in the morning session stay granted on 7th October, 2009 was vacated. Thereafter, immediately in the afternoon session, learned Advocate of the Petitioners remained present and requested for continuation of stay order and by the impugned order his request was rejected.

3. Mr. Kulkarni, learned counsel appearing for the Petitioners states that the Revision has been fixed for hearing and arguments of the Petitioners i.e. the Applicants were completed. The Respondent's Advocate is now arguing the matter and the matter is part heard.

4. In view of above position, the interest of justice will be served if the said Revision Application No. 550/2008/NS is disposed of in time bound manner and, till that time, the interim relief which was in operation for about 12 years is continued.

5. For above reasons the impugned order dated 23rd December, 2021 passed by learned Member (Judicial), Maharashtra Revenue Tribunal, Pune is set aside and

consecutively the order dated 7th October, 2009 by which the stay was granted is restored.

6. The learned Member (Judicial), Maharashtra Revenue Tribunal, Pune is requested to dispose of the Revision Application No. TNC/REV/550/2008/NS expeditiously by 31st January, 2023.

7. Writ Petition is disposed of in above terms with no order as to costs.

(MADHAV J. JAMDAR, J.)