

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.986 OF 2022

(Smt. Rekha Nandkishore Sharma Vs. Manoj Bhikamchand Agrawal)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. J. B. Gandhi, Advocate for Petitioner.
Mr. S. S. Shingane, Advocate for Respondent.

CORAM: ROHIT B. DEO, J.

DATE: 29th MARCH, 2022.

In a suit for specific performance filed by the respondent herein, the petitioner, who is the defendant, preferred an application for framing an issue to the effect whether the plaintiff is an agriculturist and for referring the issue to the Tribunal under the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 (Act), this application is rejected on the premise that a reference can be made at a later stage. The learned trial Judge further was influenced by the fact that the matter was remanded by the Appellate Court and presumably considered that such reference would be beyond the scope of the remand order.

2. It would not be necessary to delve deeper in the rival contentions on merit since the parties have agreed that the following consent order can be passed in the interest of all the stake holders.

3. The learned trial Judge shall frame the issue to the effect, whether the plaintiff is an agriculturist within the meaning of Section 89 of the Maharashtra Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958 and shall refer the same to the Tribunal for adjudication.

4. The Tribunal shall decide the reference within three months from the receipt of the reference from the Civil Court and shall forward the report/order to the Civil Court.

5. The parties shall appear before the learned trial Court on 04.04.2022 and shall produce on record this order.

6. The learned trial Judge shall frame the issue and forward the reference to the Tribunal within one week from the date of appearance of the parties.

7. During the pendency of the reference, the proceedings shall remain stayed.

8. The petition is disposed of in the aforesaid terms.

JUDGE

NSN