

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**910 SECOND APPEAL NO.292 OF 2023
WITH CA/6335/2023 IN SA/292/2023**

**NANASAHEB ARJUN PAWAR
VERSUS
THE DISTRICT COLLECTOR AHMEDNAGAR AND OTHERS**

Advocate for Appellant : Mr. B.G. Sagade
AGP for Respondent/s – State : Mrs. P. V. Diggikar

CORAM : ARUN R. PEDNEKER, J.

DATE : 04.08.2023

PER COURT :

1. Learned counsel appearing for the appellant submits that he has erroneously challenged the order passed by the revenue authorities before the Civil Court and the Civil Court had no jurisdiction under Section 158 of the MLR Code to entertain challenge to orders passed by the Revenue Authorities.

2. The learned counsel submits that in view of the bar under the MLR Code, the suit is not maintainable and the appellant has alternate remedy to challenge the orders passed by the revenue authorities and the same can be challenged before the appellate forum as constituted under the MLR Code.

3. In view of the same, petitioner seeks leave of this Court to withdraw the Second Appeal, with liberty to file appropriate

proceedings, challenging the order impugned before the Civil Court in the present suit.

4. The learned counsel further submits that although he was purchaser of the suit property, he was not made party to the proceedings before the revenue authorities and the matter was compromised behind his back. Be that as it may, the Civil Court has no jurisdiction to entertain the suit when the remedy was available to the appellant only before the revenue authorities.

5. The learned counsel submits that the rightful remedy was under section 247 of the MLR Code. He seeks leave of this Court to withdraw the present Second Appeal and challenge the orders impugned in the Civil Court before the authorities constituted under the MLR Code.

6. The present appellant is permitted to withdraw the Second Appeal and to take steps as may be available in law. The learned counsel submits that the delay caused in conducting the present proceeding before this Court may be condoned.

7. I cannot express anything on this aspect, however, if an application is filed before the appropriate authority, challenging the

order impugned before the Civil Court, the appellate authority to take into consideration the provision of Section 14 of the Limitation Act and pass an appropriate order on condonation of delay application.

8. I have not expressed anything on the merits of the matter. Appellant is permitted to withdraw the present Second Appeal with aforesaid liberty as may be available in law. Second Appeal is accordingly dismissed as withdrawn.

9. Pending Civil Application, if any, is disposed of.

(ARUN R. PEDNEKER)
JUDGE

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