

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

975 WRIT PETITION NO.4695 OF 2022

KAILAS NANASAHEB PAWAR & OTHERS
VERSUS
BABAN MURLIDHAR PATUNKAR & OTHERS

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Advocate for the petitioners : Mr.V.S.Undre
AGP for Respondent-State : Mr.K.N.Lokhande
Advocate for Respondent no.1 : Mr.S.S.Kulkarni h/f.
J.P.Legal Associates
Advocate for respondent nos.3 to 5 : Mr.V.S.Dhotare

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CORAM : ARUN R. PEDNEKER, J.

DATE : 20.10.2023

P.C. :

1] Heard the learned counsel for the parties.

2] It is brought to my notice that the suit is filed by the petitioner herein in the year 2020 and they have applied for interim relief in the said suit, which is not granted. The petitioner filed appeal before the Appellate Court and the same is also pending before the Appellate Court.

3] In view of Section 22 of the Mamlatdar Courts Act, the order passed by the Civil Court will override the order passed by the authority constituted under the Mamlatdar Courts Act.

4] In the event, the petitioners file application for interim relief before the Appellate Court, the Appellate Court would decide the said application on its own merit without being influenced by the order passed by the authority under the Mamlatdar Courts Act and any order passed by the Civil Court / Appellate Court would override the order passed by the authority under the Mamlatdar Courts Act.

5] In view of above observations, the present Writ Petition is disposed of.

6] In view of disposal of the main Writ Petition, all pending Civil Application, if any, do not survive and the same stand disposed of.

[ARUN R. PEDNEKER]
JUDGE

DDC