

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

1016 WRIT PETITION NO.6421 OF 2022

GANGABAI VITHOBA JADHAV
VERSUS
VITTHAL NARSING BOYANE & OTHERS

...

Advocate for Petitioner : Mr.V.R.Jain
AGP for Respondent-State : Mr.K.B.Jadhavar
Advocate for Respondent nos.1 to 4 : Adv.M.S.Mhase

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 27.10.2023

P.C. :

- 1] Heard the learned counsel for the parties.
- 2] The proceedings under the Mamlatdar Courts Act are summary in nature. Both the authorities are against the petitioner. Any orders passed under the Mamlatdar Courts Act in view of Section 22, would be subject to any order passed by the Civil Court.
- 3] In view of the same, the present Writ Petition is disposed of with liberty to the petitioner to file appropriate proceedings before Civil Court to defend his right over the land. The petitioner may also prefer application for interim relief in the suit.

4] The status quo granted earlier is continued for further four weeks.

5] However, it is clarified that status quo in the present matter is not on the merits of the matter but is granted so as to enable the petitioner to approach the Civil Court. The Civil Court would decide the interim application on its own merits, if so filed, without being influenced by part of the order of this Court.

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

[ARUN R. PEDNEKER]
JUDGE

DDC