

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

79 WRIT PETITION NO.6041 OF 2023

Abhimanyu Dhondiram Mugale

...PETITIONER

VERSUS

1. Bhartibai Dnyanoba Mugale

...RESPONDENTS

2. Shirish Kerba Bane

3. The Naib Tahasildar,
Nilanga, Dist. Latur

4. The Sub-Divisional Officer, Nilanga,
Tq. Nilanga, Dist. Latur

Mr. V. G. Kodale, Advocate for the petitioner

Mr. R. P. Adgaonkar, Advocate for the respondent No.1

Mrs. D. S. Jape, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 28th JULY, 2023

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1. Heard the parties.

2. The petition is taken up for final disposal at the stage
of admission.

3. Grievance of the petitioner is that in the appeal filed by the petitioner pending before the learned Sub-Divisional Officer, Nilanga against the order dated 20-04-2023 passed by the Naib-Tahasildar, Nilanga under Section 143 of the MLR Code initially there was a stay to the order passed by the learned Naib-Tahasildar. However, by keeping the appeal on 13-05-2023 the learned Sub-Divisional Officer, Nilanga vacated the stay granted earlier in the appeal. The petitioner submits that there the learned Sub-Divisional Officer passed the order of stay. The stay ought to have been continued till the decision of the appeal. By keeping the appeal pending stay is vacated without any reason and application for vacating interim relief.

4. Learned advocate for the respondent has filed reply opposing the petition. Only concern of the respondent is that there is one more proceeding pending between the same parties before the Naib-Tahasildar, Nilanga under Section 5(2) of the Mamlatdar Courts Act. The order passed in the petition may affect the proceeding before the Naib-Tahasildar.

5. Considering both the submissions, this court finds that petition can be conveniently disposed off.

6. This court on 07-06-2023 has already passed an order granting ad-interim relief in terms of prayer clause-D. Same relief can be continued till the learned Sub-Divisional Officer, Nilanga disposes off the appeal within two months from today. It is made clear that this order is only to the extent of proceeding pending before the learned Sub-Divisional Officer, Nilanga in the above appeal.

7. All the contention of the parties are kept open.

8. With this, petition stands disposed off.

[KISHORE C. SANT, J.]