

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

936 WRIT PETITION NO.10030 OF 2022

**CHAKRADHAR SUSHILKUMAR GHUTE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE COLLECTOR OSMANABAD AND OTHERS**

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**Advocate for Petitioners:
Mr. Naiknavare Ramesh Vitthal
AGP for Respondent/State: Mr. S. N. Morampalle
Advocate for Respondents No.3 to 18:
Mr. S. B. Ghute**

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CORAM: ARUN R. PEDNEKER, J.

DATE: 06th APRIL, 2023

PER COURT:

1. The learned counsel for the petitioners submits that the procedure as contemplated under Section 8 onwards of the Mamlatdars' Courts Act, 1906 has not been followed in the instant case by the Mamlatdar and the matter be remitted back for reconsideration to the Mamlatdar.

2. The learned counsel for the petitioners submits that they have given an application to cross-examine the plaintiffs - respondents no.3 to 18, however, the same was turned down.

3. Since the proceedings are in the nature of suit, it is hereby directed that, the witnesses produced by one party should be permitted to be cross examined by the other side.

4. Thus the impugned orders passed by the Mamlatdar and the Sub-Divisional Officer are set aside and the matter is remitted back to the Mamlatdar. The Mamlatdar to decide the application under Section 5 of the Mamlatdars' Courts Act, 1906 within a period of two (02) months from the date of appearance of the parties before the Mamlatdar.

5. The parties to appear before the Mamlatdar, on 25.04.2023.

6. With the above observations, the writ petition stands disposed of.

[ARUN R. PEDNEKER, J.]

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