

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.10147 OF 2023

KONDIBA GANPAT DAMALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH SUB DIVISIONAL OFFICE

...
Advocate for Petitioner : Mr. Patil Jitendra Vijay
AGP for Respondents-State : Mr. K. B. Jadhavar
Advocate for Respondents No.3 to 7, 9 to 19 : Mr. R. S. Kasar
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 26/09/2023

PER COURT :

The present petition arises out of an interim order passed by the Sub Divisional officer under Section 23 of the Mamlatdars' Courts Act in deciding the pending the Revision Application before him. The learned Sub Divisional Officer rejected the application for interim stay to the order passed by the Mamlatdars' Court under Section 5 of the Mamlatdars' Courts Act.

2. This Court vide order dated 17/08/2023, while issuing notice, this Court passed interim direction at paragraph No.5 as under :-

"5. In view of this, there shall be a stay to the impugned judgment and order subject to condition that the petitioner shall not restrain the respondents from reaching the way as path way till next date."

3. After hearing the learned Counsel I deem it appropriate to direct the Revisional Authority to decide the revision application within a period of three months, from the date of production of order of this Court.

4. In the interregnum, the interim orders passed by this Court by order dated 17/08/2023 to continue to operate till the decision of Revision Application No.69 of 2023, pending before the Sub Divisional Officer, Pathardi.

5. In view of the above, the petition is disposed of accordingly.

(ARUN R. PEDNEKER, J.)

vj gawade/-.