

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15381 OF 2022.

Jayashree Vasant Dimble & Anr.

.. Petitioners

vs.

Maruti Namdeo Kamthe (Deceased)

1A) Vithabai Maruti Kamthe & Ors.

.. Respondents

...

Mr. Ameya V. Borwankar, for the Petitioners.

Mr. Siddharth Karpe, for Respondent Nos.1 to 7.

Mr. A.P. Vanarse, AGP, for Respondent Nos. 23 to 25.

...

CORAM: SANDEEP V. MARNE, J.

DATE : 31 AUGUST 2023.

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1. By this Petition, Petitioners challenge order passed by the Sub Divisional Officer (“**SDO**”) on 3rd March 2021 in Revision filed under provisions of Section 23(2) of Mamlatdars' Courts Act, 1906. The SDO has dismissed the Revision and confirmed the order passed by the Tehsildar. It appears that the Tehsildar has merely passed an interim order on 5th November, 2020 restraining the Petitioner from creating any obstruction. The main proceedings are still pending before the Tehsildar.

2. The learned counsel for the Petitioner would submit that the original proceedings were filed before the Tehsildar, Bhore and by order dated 12th November 2020, the Additional Collector, Pune has transferred the same to Tehsildar, Purandar at Petitioner's instance. Thus, the main proceedings continue to pend before Tehsildar, Purandar.

3. In that view of the matter, the present Petition can be disposed of by requesting Tehsildar, Purandar to finally decide the proceedings within a time bound manner.

4. Accordingly, the Writ Petition is disposed of requesting Tehsildar, Purandar to dispose of case No. 7 of 2020 within a period of four months from today. All contentions of the parties are kept open. Tehsildar to decide the proceedings without being influenced by the interim order.

SANDEEP V. MARNE, J.