

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8749 OF 2023

Vijaya Alias Shalini Eknath Patil & Ors. ...Petitioners.

Versus

Avinash Pandurang Raikar ..Respondent.

*Mr. Kailas S. Dewal i/b yash Dewal and Sham Thakur for the petitioner.
Mr. Nitin V. Gangal, Prerna Shukla and Ashok Kadam for the respondent.*

Coram : Sharmila U. Deshmukh, J.

Date : July 19, 2023.

P. C. :

1. It is not necessary for this Court to go into the merits of this petition in view of the consensus arrived at between the learned counsel appearing for the respective parties that the impugned order dated 12th June, 2023 be quashed and set aside and the application (Exhibit-63) filed by the defendant seeking the relief of referring Issue no.2 to the Mamlatdar's Court under section 85A of the Maharashtra Tenancy and Agricultural Lands Act, be restored to the file to be decided afresh.

2. In view of the above, the impugned order dated 12th June 2023 is hereby quashed and set aside and the application of

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defendant (Exhibit-63) is restored to the file. It is made clear that this Court has not gone into merits of the matter and all rights and contentions of both the parties are expressly kept open.

3. The trial Court is directed to consider application at Exhibit-63 afresh, uninfluenced by the findings given by it in the impugned order dated 12th June 2023.

4. This Court is informed that the matter is listed before the trial Court on 24th July 2023. Counsel for the respective parties assure that on 24th July 2023, the parties will be duly represented before the trial Court. The trial Court is requested to decide the application as expeditiously as possible and in any event within a period of four weeks from 24th July 2023.

5. Writ petition stands disposed of in above terms.

[Sharmila U. Deshmukh, J.]