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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14382 OF 2016

Shri. Sambhaji Shivajirao Chavan ... Petitioner
Versus
Smt. Leelavati Sampat Bandgar and Ors. ... Respondents

Mr. Sunil G. Karandikar, for the Petitioner.

CORAM: G. S. KULKARNI, J.
DATED: JANUARY 06, 2023

P.C.

1. Heard Mr. Karandikar, learned Counsel for the petitioner. By this petition the petitioner challenges the judgment and order dated 14 September 2016 passed by the Member (Judicial), Maharashtra Revenue Tribunal, Bench at Pune. By the impugned order the revision filed by the respondents has been allowed in the following terms:-

“ORDER

The revision application is hereby allowed.

The judgment & order passed by trial tribunal as well as appellate tribunal which is under revision is hereby set aside.

The matter is hereby remanded back to the trial tribunal i.e. ALT Purandar for fresh trial of the proceedings and that too by offering opportunity to both the sides to establish their respective averments made in the application or the say thereunder.

The trial tribunal i.e. ALT Purandar is hereby directed to decide the matter afresh without being influenced by observations made by this Tribunal in paras supra, as speedy as possible and in any case within one year from the receipt of

record through this Tribunal.

No order as to costs.

R&P be sent back to the tribunal below expeditiously.

Intimation of this order be sent to both the parties & lower courts.”

2. It is thus clearly seen that the proceedings were remanded back to cure the defect in the adjudication of the proceedings before the forum below. Perusal of the record clearly shows that there is no stay to this order. It is almost about 8 years that the impugned order was passed.

3. In the aforesaid circumstances, in my opinion, it is appropriate that the tribunal proceeds to pass appropriate orders on the proceedings in accordance with law as remanded. All contentions of the parties are expressly kept open.

4. The petition is disposed of in the above terms. No costs.

(G. S. KULKARNI, J)