

Vidya Amin

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

WRIT PETITION NO. 11324 OF 2014

Pandurang Shripati Gurav & Ors. ... Petitioners

Versus

Dinkar Shripati Gurav & Ors. ... Respondents

Mr. Rahul Walvekar a/w. Ms. Suvarna S. Yadav for the petitioners.

Mr. Sachin H. Kankal, AGP for respondent nos. 2 and 3.

CORAM: G. S. KULKARNI, J.

DATED: 13 January 2023

P.C.

1. Heard Mr. Walvekar, learned counsel for the petitioners and Mr. Kankal, learned AGP for respondent nos. 2 and 3. The private respondent although served is not represented.

2. This petition assails an order dated 13 May, 2014 passed by the Hon'ble Minister for Revenue, Government of Maharashtra whereby the Revision No. RTS-3513/4840/Case No. 60/J-5A, as filed by the respondent assailing the appellate order passed by the Additional Commissioner, Pune, has been allowed thereby setting aside the order passed by the Additional Commissioner, Pune and confirming the order dated 23 February, 2012 passed by the Sub-Divisional Officer, Karad. It is fairly submitted by learned counsel for the petitioners that the respondent has already instituted a civil suit before

the Court of Civil Judge, Junior Division, Karad bearing R.C. S. No. 307 of 2010 in which there are assertions and contentions as urged on behalf of the petitioners in regard to the land in question, subject matter of the present proceedings.

3. Considering the nature of the impugned order, in my opinion, it is appropriate that the petitioners are permitted to raise all contentions as urged in the present proceedings in the pending suit.

4. Needless to observe that the suit would decide the substantive rights of the parties in respect of the land in question. The suit be decided on its own merits and without being influenced by the impugned order, subject matter of the present proceedings.

5. All contentions of the parties in the pending suit are expressly kept open.

6. Disposed of in the above terms. No costs.

(G. S. KULKARNI, J)