

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2418 OF 2023

Pranay Devraoji Kawale and anr__ Vs. __ Tarabai Devraoji Kawale and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms. S.N.Thakur, Advocate for petitioners

Ms. T.H.Khan, Advocate for the respondent Nos. 4, 5 & 6

CORAM : AVINASH G. GHAROTE, J.

DATE : 17/04/2023

1] Heard Ms. Thakur, learned counsel for the petitioners and Ms. Khan, learned AGP for respondent nos. 4, 5 & 6.

2] The petition questions the order dated 24.1.2023 passed by the Additional Collector, Chandrapur, refusing to grant stay to the order of the Sub Divisional Officer, dated 28.11.2022, cancelling the mutation entry no. 992 dated 20.9.2010, in favour of the petitioners.

3] It is contended that the entry in favour of the petitioners was based upon a partition deed which admittedly was unregistered.

4] The impugned order merely states that the appeal can be finally disposed of and therefore there is no reason for grant of any interim stay.

5] When the appellate authority itself is willing to decide the appeal on merits, it would be appropriate for the petitioners to get the appeal so decided. I therefore do not see any reason to interfere in the impugned order. The petition is dismissed. No costs.

6] Needless to say that as indicated in the impugned order dated 24.1.2023 (pg.59), it is expected that the Additional Collector shall decide the appeal finally on merits within reasonable period of time and in any case by 12.5.2023.

JUDGE

Rvjalit