

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

Writ Petition No.2462 of 2018

Shri Chinmay S/O Suhas Damle Through His P.O.A. Shri Suhas S/O Purushottam
Damle Vs Shri Bandu S/O Mahadeo Kale And Another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri K.B. Zinjarde, Advocate for the Petitioner/s
Shri Sachin Zoting, Advocate for the respondent No.1 and 2

CORAM : ANIL S. KILOR, J.
DATED : 02nd May 2023

1. Heard.
2. In this petition, the petitioner is the original non-applicant before the Tahsildar, Maregaon and the respondents are the original applicants who filed the tenancy case, claiming as protected tenant and prayed for fixation of price. The said prayer was accepted and the tenancy proceeding was allowed in favour of the respondents.
3. The petitioner, feeling aggrieved by the same, went in appeal before the Sub Divisional Officer, Wani, who set aside the order of the Tahsildar.
4. In the appeal against the same, before the Maharashtra Revenue Tribunal, Nagpur (MRT) though it was a prayer of the respondents to maintain status quo till the decision on the appeal, the learned MRT stayed the order of the SDO and thereby, gave effect to the order passed by the Tahsildar.

5. In the above referred backdrop, the limited grievance raised in the present writ petition is to the extent that despite the fact that status quo was asked for, the stay was granted by the MRT.

6. The learned counsel for the respondents failed to point out that any prayer was made by the respondents for grant of stay.

7. From the appeal memo, it is evident that only an interim relief was sought to the effect that to maintain status quo. Despite which, the stay was granted by the MRT.

8. In the circumstances, I am of the opinion that the order of the MRT needs to be modified, to the extent the stay granted to the order of the SDO. Accordingly, I pass the following order:

(i) The writ petition is **partly allowed**.

(ii) The impugned order dated 28.02.2018 passed by the MRT, Nagpur, is hereby modified and it is directed that the parties shall maintain status quo as on date of filing of the revision before the MRT, Nagpur, till the decision of the appeal.

[ANIL S. KILOR, J.]