

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

WRIT PETITION NO. 127 OF 2023

Bharat Digambar Mirjule and anr __ Vs. __ Swapnil Nilkanthrao Dhongde and ors

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

Court's or Judge's orders

Mr. J.B.Kasat, Advocate, for petitioner.
Ms. T.Khan, AGP for Respondent Nos.6 & 7

CORAM : AVINASH G. GHAROTE, J.
DATE : 09/01/2023

Heard Mr. Kasat, learned counsel for the petitioner.

2] The petition challenges the order dated 28.11.2022 passed by the learned SDO in proceedings under Section 23(2) of the Mamlatdar Court Act whereby the order of the Mamlatdar dated 17.6.2022 has been set aside and the matter is remanded back to the Mamlatdar afresh.

3] Mr. Kasat, learned counsel for the petitioner submits that the Mamlatdar has rightly determined the matter, as he has held that the application was beyond limitation.

4] The order of the Mamlatdar dated 17.6.2022 (pg.52) however does not spell out a finding rendered in this regard, considering which I do not see any reason to

interfere in the impugned order, as it would be necessary and appropriate for the learned Mamlatdar to record finding regarding the point of limitation also. The petition is therefore without any merits and is accordingly dismissed. No costs.

JUDGE

Rvjalit