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949 WP-8265-2015

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

949 WRIT PETITION NO. 8265 OF 2015

Bhimabai Sampat Jadhav And Another

VERSUS

Asha Murlidhar Salve And Another

WITH

WRIT PETITION NO. 6217 OF 2014

Shantabai Baburao Bhosale

VERSUS

Asha Murlidhar Salve And Others

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Mr. V. D. Salunke, Advocate for the Petitioner in WP/6217/2014.

Mr. A. S. Bajaj, Advocate for the Petitioner in WP/8265/2015.

Mr. P. P. Patni h/f Mr. P. F. Patni for Respondent No.2 in WP/6217/2014.

Mr. N. D. Raje, AGP for Respondents

CORAM : KISHORE C. SANT, J.
DATE : 19th NOVEMBER, 2024

PC :-

1. Heard the learned Counsel for the parties.
2. These petitions are against an order passed by the learned Administrative Member, Maharashtra Revenue Tribunal dated 8th May 2014 in Appeal No.23-A-2012-Aurangabad. The Appeal was filed under Section 90 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 by the present respondent No.2 against present

petitioner Nos.1 and 2, who were Respondent Nos.2 and 3, respectively. The order passed by the learned Deputy Collector (General Administrative), Aurangabad, under the provisions of Hyderabad Tenancy and Agricultural Lands Act, 1950, declaring the sale-deed executed between the parties as illegal for want of previous sanction under Section 50(B) of the said Act is under challenge.

3. It is pointed out by the learned Advocate for the petitioner that the parties were also before learned Civil Judge, Junior Division, Gangapur in RCS No.230 of 1999. Now, the sale-deed in question is held to be invalid in appeal by the Appellate Court in Regular Civil Appeal No.113 of 2012 by the District Judge-1, Vaijapur Dist. Aurangabad by its judgment and order dated 5th February 2020. It is further pointed out that in view of the judgment a decree was drawn, even Regular Darkhast was filed bearing Regular Darkhast No.07 of 2020. In Darkhat decree is satisfied. It is thus submitted that, now the parties are put in possession of their respective shares. The parties held to be exclusive property of the legal heirs of the petitioner in WP/8265/2015.

4. In view of the same, it is submitted that now nothing remains in the writ petition, since the civil court has already decided substantive rights of the parties and both the parties accept this position.

5. In view of the same, both the writ petitions arising out of same impugned judgment and order needs to be disposed off by setting aside the impugned judgment and order passed by the learned Member, MRT.

6. In view of the same, both the writ petitions stand disposed of accordingly. No order as to costs.

7. Pending applications, if any, also stand disposed off.

[KISHORE C. SANT, J.]