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{wp1313.15}

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

1 WRIT PETITION NO. 1313 OF 2015

NARENDRA BHAGWAT SAPKALE THROUGH GPA BHAGWAT RAMCHANDRA
SAPKALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Mr.V.B. Patil, Advocate for the petitioner.
Ms.R.R. Tandale, AGP for the respondent-State.
Mr.S.R. Dheple, Advocate for respondent No.4.

CORAM : KISHORE C. SANT, J.
DATE : 08.10.2024

PC :-

01. The learned Advocate Mr. Patil for the petitioner has placed on record copy of judgment in the case of **Vishwanath Rambhaji Bhalerao & Anr. Vs. Usha w/o Pralhad Kasbe reported in 2011(1) Mh.L.J.603**. This Court in the said judgment has taken a view that every order passed under section 5 of the Mamlatdars' Courts Act, is subject to outcome of civil suit, if any, pending between the parties. In the present case, Civil Suit is pending bearing Regular Civil Suit No.182 of 2012 before the Court of Civil Judge, Junior Division, Jamner. He, thus, submits that let the proceeding be subject to outcome of RCS No.182 of 2012.

02. This Court finds that the submission is reasonable and there is no difficulty to accept the same.

03. In view of the above, the writ petition stands disposed off. It is made clear that the order passed by the Authority shall be subject to outcome of RCS No.182 of 2012. All points are kept open to be agitated.

[KISHORE C. SANT, J.]