



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1439 OF 2021

Shantaram Yashwant Kadam

...Petitioner.

Versus

Taramati Harendra Chavan and Others.

...Respondents.

Mr. P. S. Gole for the Petitioner.

Mr. G. J. Sabnis for the Respondent No. 3.

Ms. S. D. Chipade, AGP for the Respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : July 29, 2024.

P. C. :

1. Heard.
2. By this petition, challenge is to the order dated 17th December 2019 passed by MRT remanding the matter to Tahsildar for fresh inquiry in respect of the oral contract which is part of pleadings of the application filed before Tahsildar.
3. After hearing parties for some time, upon a query posed by this Court as to whether the petition can be disposed of by directing the Tahsildar to conduct the proceedings in a time bound manner, learned counsel appearing for the Petitioner, on instructions, submits that the matter can be remanded on the limited issue as directed by the MRT, i.e., in respect of fresh inquiry in the oral contract.

4. In the light of above, petition is disposed of. Order of MRT dated 17th December 2019 remanding the matter to Tahsildar for fresh inquiry into the oral contract is confirmed. It is open for the Respondents to lead additional evidence, if so advised. Tahsildar to consider the evidence on record and pass appropriate order taking into consideration the aspect of oral contract between parties.
5. Tahsildar is requested to conduct the proceedings expeditiously and in any event within a period of six months from today.
6. It is needless to clarify that earlier evidence adduced by the parties to remain on record and the Tahsildar to consider the matter afresh by taking into consideration the observations of MRT.
7. In view of the disposal of Writ Petition, nothing survives for consideration in the pending civil/interim applications and the same stand disposed of.

[Sharmila U. Deshmukh, J.]