

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**VASANT
ANANDRAO
IDHOL**

WRIT PETITION NO. 10120 OF 2024

Digitally signed by
VASANT
ANANDRAO IDHOL
Date: 2024.07.24
17:01:58 +0530

Shrishail Darappa Karle And Ors.	...Petitioners
Versus	
Sidgonda Ramgonda Biradar And Ors.	...Respondents

....

Mr. Umesh H. Pawar, for the Petitioners.

Mr. Hamid Mulla, A.G.P. for the Respondent – State.

CORAM	:	AVINASH G. GHAROTE, J.
DATE	:	24th JULY, 2024

P.C.:

1. The only ground raised, against the concurrent orders passed by the Mamlatdar and the Sub Divisional Officer, in revision in an application under Section 5 of the Mamlatdar's Courts Act, 1906 (M.M. Act), is that the application did not disclose the nature of obstruction, claimed to have been created in the way, on account of which both the orders are sought to be set aside. I am unable to agree with the above contention, for the reason that Section 9 of the M.M. Act enjoins upon the learned Mamlatdar, in case he finds that the application filed under Section 7 of the M.M. Act does not comply with the requirement

as indicated therein, to examine the plaintiff and ascertain from him such of the particulars as specified in Section 7 of M.M. Act, as are not clearly and correctly stated in the plaint and reduce the examination to writing in the form of endorsement on or annexure to the plaint, which shall there upon be deemed to be part of the claim.

2. It is therefore, apparent that the obligation to ensure the averments in the plaint to be in consistent with the requirement of section 7 of M.M. Act is with the Mamlatdar, which is on account of the fact of low level of literacy in the rural areas and absence of knowledge as to the requirement of Section 7 of M.M. Act. Merely because the learned Mamlatdar has failed to perform his duty under Section 7 of the M.M. Act, that would not entail the dismissal of the plaint and specifically so, when the petitioners who are defendants, have suffered both the orders against them.

3. I do not see any reason to interfere in the impugned orders. The petition is dismissed. No costs.

(AVINASH G. GHAROTE, J.)