



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15065 OF 2024

Ramchandra Bhiva Ghatage
Decd Thr LRs and Ors.

... Petitioners.

Versus

Pandurang Ramchandra
Mandlik Decd Thru LRs and Ors.

... Respondents.

Mr. Bhooshan R. Mandlik, for the Petitioners.

Coram : Sharmila U. Deshmukh, J.

Date : November 12, 2024

P. C. :

1. The present Petition challenges the order of Maharashtra Revenue Tribunal (MRT) dated 3rd August, 2023 by which the stay which was initially granted to the order of the Sub Divisional Officer by order dated 6th January, 2023 came to be vacated.

2. The present proceeding arises out of Reference under Section 85A of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (for short, "**Tenancy Act**"), referring the issue to the Tenancy Court to be decided as regards the status of the Defendant as tenants. The Sub Divisional Officer has held that the proceedings of the Tenancy Court are not applicable to the suit proceedings which

is under challenge before MRT and in the proceedings, the order of the Sub Divisional Officer came to be stayed.

3. Irrespective of the stay being vacated, the fact remains that the matter is pending before the MRT and it is not shown that the Civil Court proceeded ahead with the matter by accepting the order of the Sub Divisional Officer that the provisions of the Tenancy Act are not applicable to the civil proceedings. In view thereof, I am not inclined to interfere in the interim order of vacating stay. Considering that the issue has been referred by the Civil Court and is pending adjudication before the MRT and in the meantime, the civil proceedings are apparently stalled, learned Member of the MRT is requested to decide the revision expeditiously.

4. Petition stands disposed of in above terms.

[Sharmila U. Deshmukh, J.]