

VRJ

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

WRIT PETITION NO.1845 OF 2024

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Date: 2024.02.29
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Marzban Faredoon Irani & Ors.

... Petitioners

V/s.

Raian Faredoon Mazda & Anr.

... Respondent

Mr. Sunil G. Karandikar with Mr. Shashank Mangale
and Mr. Harshad A. Sathe for the petitioners.

Mr. Pradeep J. Thorat i/by Mr. Shreyas S. Adyanthaya
for respondent No.1.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 28, 2024

P.C.:

1. Issue notice for final disposal to respondent No.2, returnable on **27th March 2024**.
2. Prima facie it appears that this Court on 2nd October 1978 recorded consent terms as per notification issued under section 43A(3) of the Bombay Tenancy and Agricultural Lands Act, 1948. Despite recording of consent terms by this Court, the Sub-Divisional Officer and Maharashtra Revenue Tribunal have recorded a finding that no evidence is placed on record to show that the consent terms were taken on record by this Court. However, prima facie page 34 of the writ petition shows that consent terms are taken on record by this Court.

3. The Sub-Divisional Officer has recorded a finding that the consent terms are in breach of provisions of the Act. However, on perusal of the notification under section 43A(3) of the Bombay Tenancy and Agricultural Lands Act, 1948, it appears that prima facie the consent terms are in accordance with Clause 6 of the said notification.

4. Hence, there shall be ad-interim relief in terms of prayer clause (h) till 27th March 2024.

(AMIT BORKAR, J.)