

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

**WRIT PETITION NO. 9018 OF 2024**

|                                    |                |
|------------------------------------|----------------|
| Kashibai Gopala Pednekar And Ors.  | ...Petitioners |
| Versus                             |                |
| Ramesh Pandurang Chougale And Ors. | ...Respondents |

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Mr. Yuvraj S. Gharat for the Petitioners.

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**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 4<sup>th</sup> JULY 2024**

**P.C.:**

1. Heard Mr. Gharat, learned counsel for the petitioners.
2. The petition questions the order dated 06.06.2022 passed by the Mamlatdar under Section 5 of the Mamlatdar Courts Act, 1906 holding that there was a pathway for approaching to the house of the original applicant Ramesh Pandurang Chougale, which has been obstructed and had directed to clear the same (Page- 44), the Revisional Court by the order dated 29.02.2024 (Page- 69) has dismissed the revision. It is contended that what is claimed in the application under Section 5 is a 12 feet Road as against which, what has been found by the learned Mamlatdar is only pathway however, under the

garb of the order dated 06.06.2022 instead of the pathway the 12 feet wide road is being is sought to be created. There is yet another ground that the original defendant No.3 Aanubai Kallappa Sutar (Page-43) is claimed to have passed away on 18.09.2015 and the defendant No.4 Aappaso Bhau Chougule has passed away on 11.12.2013, according to the death certificates placed on record (Pages-38 & 39) inspite of which, in the application under Section 5 which is of the year 2021, they have been shown to have been served and participated. This is more so apparent from the fact that in the revision filed by the petitioners and the original defendant No.4 Aappaso Bhau Chougule is shown as been represented as legal heirs.

3. Issue notice for final disposal, returnable on 29<sup>th</sup> July, 2024.

**(AVINASH G. GHAROTE, J.)**