



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3196/2024

Salim Babu Munniwale and another

...Versus...

Sub Divisional Officer, Karanja (Lad), Tq. Karanja Lad, District – Washim and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. S.D. Chande, Advocate for petitioners
Mr. Ganesh Umale, AGP for respondent nos.1 and 2

CORAM : N.R. BORKAR, J.

DATE : 03/07/2024

1. This petition takes exception to the order dated 26/06/2023, passed by the respondent No.1- Sub Divisional Officer, Karanja (Lad), District Washim in Case No.MCA-05/Anai/01/2019-20.

2. The respondent Nos.3 to 5 herein had filed an application against the petitioners under Section 5 of the Mamlatdars' Courts Act, 1906 before the respondent No.2 – Tahsildar. The respondent No.2 has allowed the said application by the order dated 18/07/2019. By the order impugned, the learned Sub Divisional Officer has confirmed the order passed by the respondent No.2 and appeal filed by the petitioners came to be dismissed.

3. Mr. Chande, learned counsel for the petitioners submits that no evidence was led before the Mamlatdar as mandated by Section 7 of the said Act. It is submitted that the order impugned therefore can not be sustained.

4. Admittedly, there was no interim relief in favour of petitioners during the pendency of appeal before the Sub Divisional Officer. Thus, the order of respondent No.2 is in force since last five years. Considering the fact that remedy of civil suit is available to the petitioners, I am not inclined to entertain the petition against the order impugned.

5. The writ petition is dismissed. If such suit is filed, the Civil Court shall decide it on its own merits, without being influenced by the order passed by the Mamlatdar or Sub Divisional Officer. No order as to costs.

(N.R. BORKAR, J.)