



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 7241 OF 2022

(Pankaj s/o Sudhakar Rao Ghatol and others ..vs.. State of Maharashtra, through District Collector, Amravati and others)

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

Court's or Judge's orders

Dr. R.S. Sundaram, Counsel for the petitioners,
Mr. D.P. Thakare, Addl.G.P. for respondent Nos.1 to 3,
Mr. P.R. Agrawal, Counsel for respondent No.4.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**
DATED : 01-08-2024

By this petition, the petitioners are seeking relief of the execution of the order dated 26-9-2003 passed by the respondent Tahsildar.

2. The basis for the aforesaid prayer is the scheme of Section 143 of the Maharashtra Land Revenue Code. Admittedly, the order is passed under Section 143 of the Maharashtra Land Revenue Code in favour of the party who are already litigating in the second appeal pending before this Court.

3. The civil court has passed order contrary to the order of the Tahsildar passed in the proceedings of which execution is sought by the petitioners.

4. In such an eventuality, we are of the view that once the civil court is ceased with the matter and the

second appeal is pending before this Court, this Court should not cause indulgence in extraordinary jurisdiction, particularly the civil court and the first appellate court has already ruled in favour of the respondents.

5. That being so, we refrain ourselves from causing any indulgence in extraordinary jurisdiction. The petition accordingly stands dismissed.

6. Needless to clarify that it shall be open for the petitioners to take such recourse as is permissible and available in law.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

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