



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

WRIT PETITION NO. 3188 OF 2023

(Sau. Shobhabai w/o Prakash Nagare Vs. Sarpanch, Gram Panchayat, Borgaon & Ors.)

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

Court's or Judge's orders.

Shri C.A. Joshi, Counsel for the petitioner.
Shri P.S. Girdekar, Counsel for respondent no.3.
Shri H.D. Dubey, A.G.P. for respondent no.4.

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CORAM : ANIL L. PANSARE, J.
OCTOBER 3, 2024

The petitioner claims to be the owner of property no. 236 consisting of plot together with house standing thereon situated at Village – Borgaon, Taluka – Malegaon, District – Washim.

2] Gram Panchayat, vide resolution dated 13/9/2021, observed that the petitioner failed to submit any document and, therefore, her name should be deleted from the record of Gram Panchayat. The petitioner, however, was given opportunity to submit document within one month with a rider that if document is submitted, her name would be re-registered in Gram Panchayat's record.

3] The petitioner approached the appellate authority, i.e., President, Zilla Parishad, Washim, in terms of Section 142 of the Maharashtra Village Panchayats Act, 1958. The appellate authority has deferred the decision on the ground that appeal against the order passed by the trial Court in Regular Civil Suit No. 20/2014 is pending

before the First Appellate Court. Thus, the appellate authority was of the view that until the appeal is decided, the question as regards the title of the disputed property cannot be gone into.

4] At this stage, the learned Counsel for the petitioner submits that appeal was not filed but respondent nos. 1 and 2 herein had filed application before the trial Court itself to set aside ex parte decree passed against them. I am informed that the said application has been now allowed and the Regular Civil Suit No. 20/2014 is pending before the Civil Judge Junior Division, Malegaon.

5] If that be so, the purpose will be served if the appellate authority is directed to proceed further in the appeal once the Regular Civil Suit is decided, which even otherwise is what has been said by the First Appellate Authority.

6] The writ petition is disposed of in above terms.

(ANIL L. PANSARE, J.)

Sumit