



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH: NAGPUR  
WRIT PETITION NO. 637 OF 2024**

Sayyad Ikramoddin s/o. Sayyad Shamsuddin ...Petitioner  
Versus  
1. Sub-Divisional Office, Dy. Collector,  
Jalgaon (Jamod), Buldhana  
2. Tahsildar and Mamlatdar  
3. Ganesh T. Raut ...Respondents

Mr. Gopal G. Mishra for the Petitioner.  
Mr. Aalap Palshikar, AGP for the Respondents/ State  
Mr. Ankush M. Tirukh for Respondent No.3.

**CORAM : N. R. BORKAR, J.**  
**DATE : 01 JULY 2024.**

**PC:-**

1. This petition takes exception to the order dated 8.12.2023 passed by respondent No.1 - Deputy Collector, Jalgaon (Jamod), Dist. Buldhana.

2. Respondent No.3 herein had filed an application under Section 5 of the Mamlatdar Courts Act, 1906 ('the said Act') against the petitioner and one Sayyad Shamsuddin Sayyad Nijamuddin. In the written notes of arguments filed by the petitioner in the said proceedings a statement was made that Sayyad Shamsuddin Sayyad Nijamuddin had died on 20.5.2021. Ignoring the said statement, the application filed by

respondent No.3 was allowed. The appeal was thus filed and it was allowed and the matter was remanded back to the Tahsildar.

3. After remand, respondent No.3 herein had filed an application for bringing legal representatives of said Sayyad Shamsuddin Sayyad Nijamuddin on record. Along with the said application, an application for condonation of delay was also filed. The said application was dismissed. Against the said order revision was filed. By the order impugned, the respondent No.1 has allowed the revision.

4. The learned counsel for the petitioner submits that the application was rightly rejected by the Tahsildar as no steps were taken to bring on record the legal representatives of Sayyad Shamsuddin Sayyad Nijamuddin though a specific statement was made to that effect in the written submissions filed by the petitioner in the year 2022. It is submitted that in absence of any explanation, respondent No.2 ought not to have allowed the revision.

5. On the other hand, the learned counsel for the respondent No.3 submits that the respondent No.3 was not at all aware about the death of Sayyad Shamsuddin Sayyad Nijamuddin until the order of remand was passed. It is submitted that the revision was thus rightly allowed.

6. Even if it is assumed that there was some negligence on the part of respondent No.3, however, for that denying him an opportunity to prosecute his application on merit would not be in the interest of justice. I am therefore, not inclined to interfere with the order impugned. The Petition is dismissed.

7. Pending Application(s), if any, are disposed of.

**(N.R. BORKAR, J.)**