



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

WRIT PETITION NO.1486 OF 2024

Smt. Premila @ Nirmala Ramesh Raut and another .Vs. Sub-Divisional Officer, Tq.
Saoner, Dist. Nagpur and others

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

Court's or Judge's Order

Shri P.V. Ghare, Advocate for petitioner.

Shri J.Y. Ghurde, A.G.P. for respondent Nos.1 and 2/State.

Shri M.R. Joharapurkar, Advocate for respondent Nos.3 and 4.

CORAM : ANIL S. KILOR, J.

DATED : 09/05/2024

1. The learned counsel for the petitioner has cited a judgment in the case of *Sudhir Yashwant Dhangade ..vs.. Ankush Kashiram Bole and others*, reported in **(2019) 2 Bom CR 145** and submits that, no opportunity of cross-examination was given which is a right. It is argued that even if such ground is not taken before Sub-Divisional Officer in revision, it can be permitted to raise first time before this Court.

2. The proceeding under the Mamlatdars Courts Act, 1906 is a summary proceeding. Considering the provisions of Mamlatdars Courts Act, 1906 and its purpose, I am of the opinion that, the view taken by the Coordinate Bench of this Court, needs to be revisited and if necessary, reference be made to the larger Bench. Hence, place this matter on **12.09.2024**.

3. From the record, it appears that, the respondents have no approach way available to their fields as the petitioner has obstructed their approach way by erecting a gate. In the circumstances, if the stay granted by this Court is continued, it will cause great hardship and prejudice to the respondents agriculturist. Accordingly, the stay granted by this Court vide order dated 07.03.2024 shall stand vacated.

JUDGE