



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6892 OF 2023

Dilip Chanappa Dhone

.. Petitioner

Versus

Dattatraya Shivappa Chingunde and others

.. Respondents

Mr. Apparao Yenegure, Advocate for the Petitioner.

Mr. G. R. Bhumkar, Advocate h/f Mr. R. P. Bhumkar, Advocate for
Respondent No. 1.

Mr. S. P. Joshi, AGP for Respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATED : 20th JANUARY, 2025.

P C. :-

. Heard the parties.

2. A challenge in this petition is to an order passed by the learned Sub Divisional Officer (S.D.O.), Osmanabad in revision under Section 23 (2) of the Mamlatdars' Courts Act.

3. It is seen that, by way of impugned order the learned S.D.O. has disposed of the revision by observing that, in spite of several chances the present petitioner has not prosecuted the revision and secondly that the order passed by the learned Tahsildar is already executed.

4. The learned advocate for the petitioner submits that, in fact,

there is order passed in his favour by the Civil Court on an application below Exh. 5 in R.C.S. No. 77/2009 wherein, the respondent's application seeking injunction against the petitioner came to be rejected and further, suit is also dismissed.

5. Considering the above, this Court finds that, the learned S.D.O. has to decide the revision on merits. In view of the same, the writ petition stands partly allowed. The impugned order is quashed and set aside. The learned S.D.O., Osmanabad to decide the proceedings on the file No. 2020/ROR/A-117 on merits afresh.

6. With this, the writ petition stands disposed of.

(KISHORE C. SANT, J.)

PS.B.