



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO. 7288 OF 2023

Prabhakar Marotrao Rasve And Others
VERSUS
The Sub Divisional Officer, Pathri And Others

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Advocate for Petitioners : Mr. A.D. Gade
AGP for Respondents: Mr. D.R. Korade
Advocate for Respondents : Mr. M.C. Ghode
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CORAM : S. G. CHAPALGAONKAR, J.

Dated : August 08, 2025

ORDER :-

1. The petitioners impugn the order dated 6.6.2023 passed by the Sub-Divisional Officer, Pathri, District Parbhani in exercise of revisional jurisdiction under section 23 of the Mamlatdars Courts Act, 1906, thereby application filed by respondent no.3 under section 5 of the Mamlatdars Courts Act is allowed.

2. This Court in writ petition no.5074 of 2022 dated 4.8.2025 in case of **Vimal Bhausaheb Nabde Vs. The Sub Divisional Officer and others** took a view that, in case of order passed under Mamlatdars Courts Act, remedy of filing civil suit is available in order to challenge such order and filing of the suit is more meaningful and effective remedy.

3. In view of aforesaid observations of this Court, writ petition stands disposed off, with liberty in favour of petitioners to seek declaration against the impugned order by filing substantive civil suit.

4. The interim arrangement made under order of this Court dated 7.7.2023 shall continue to operate for a period of four weeks from today. In case, civil suit is filed, petitioners shall be at liberty to apply for interim relief. In case, such application is filed, Civil Court shall consider the same on its own merits and pass appropriate order after hearing the parties.

(S. G. CHAPALGAONKAR)
Judge

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