



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

916 WRIT PETITION NO. 10236 OF 2025

Rangnath Macchindra Londhe And Others

VERSUS

The Sub Div. Officer And Others

...

Advocate for the Petitioner : Mr. Kasar Rajendra Sudam

AGP for Respondents-State: Mr. K. K. Naik

Advocate for Respondent No.3 : Mr. Shermale K. N.

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CORAM : ARUN R. PEDNEKER, J.

Dated : August 26, 2025.

PER COURT :-

1. Heard the learned Counsel for the petitioner and the respondents.
2. The learned Counsel for the petitioner challenges the impugned order passed by the authorities under the *Mamlatdars' Courts Act, 1906*, whereby the application filed under Section 5(2) of the said Act has been allowed by the Mamlatdar, and the revision filed against the said order has been dismissed.
3. Considering the concurrent findings of fact by both the authorities, this Court, while exercising jurisdiction under Article 227 of the Constitution of India, is not inclined to interfere. It is clarified that the petitioner is at liberty to avail of any appropriate remedy that may be available before the Civil Court, if so advised. As per Section 22 of the *Mamlatdars' Courts Act, 1906*, any order passed by the Civil Court shall prevail over the order passed by the Mamlatdar.
4. The learned Counsel for the petitioner submits that some time may be granted to approach the Civil Court and, in the meantime, a stay be granted on the implementation of the impugned order for a period of three weeks.

5. The learned Counsel for respondent No.3 opposes the said request. However, he voluntarily submits, without prejudice to his rights and contentions, that he himself will not implement the impugned order for a period of three weeks, so as to enable the petitioner to approach the competent Civil Court. It is clarified that in the event the petitioner files a suit or any application, the Civil Court shall decide the same independently and on its own merits, without being influenced by any observations made by this Court in this order.

6. It is further clarified that the concession made by the learned Counsel appearing for respondent No.3, that he would not implement the impugned order for a period of three weeks, will not be extended beyond the said period.

7. With the above observations, the petition stands disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.