



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

SECOND APPEAL NO. 306 OF 2024

Pramilabai Vijaysing Patil

VERSUS

Manikrao Narsing Patil Dead Heirs Ramchandra Manikrao
Patil And Ors

...

Mr. Y. B. Bolkar h/f Mr. A. C. Sisodiya, Advocate for Appellant
Mr. S. V. Deshmukh and Mr. D. R. Deshmukh, Advocate for
Respondent No.1b

...

WITH

CIVIL APPLICATION NO. 10992 OF 2024 IN SA/306/2024

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CORAM : ROHIT W. JOSHI, J.

DATED : 11TH MARCH, 2025

PER COURT :-

. The present Second Appeal arises from decree challenging order passed by the learned Mamlatdar relating to approach road for agricultural lands. It appears from reading of the order passed by the learned Mamlatdar that although, application may have been made under Section 5 of the Mamlatdar's Courts Act read with Section 143 of the Maharashtra Land Revenue Code, 1966, it was entertained only under Section 5 of the Mamlatdar's Courts Act, 1906.

2. The learned Counsel for the appellant seeks leave to withdraw the appeal with liberty to file appropriate application under Section 143 of the Maharashtra Land Revenue Code, 1966. He prays that the impugned decree passed by the learned First Appellate Court should not come in his way in prosecuting the application under Section 143 which he proposes to file. The apprehension of the learned Counsel for the appellant is misconceived. Section 5 of The Mamlatdar's Courts Act, 1906 is a provision where obstruction on an existing road can be removed. Section 143 of the Maharashtra Land Revenue Code, 1966 confers power on the Tahsildar to grant a road which may not be in existence prior in point of time.

3. Since, the scope of both the jurisdictions is different, the order will obviously not come in the way of the applicant.

4. In that view of the matter, permission is granted to withdraw the appeal with liberty to apply under Section 143 of the Maharashtra land Revenue Code, 1966.

(ROHIT W. JOSHI, J)