



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

16 CIVIL APPLICATION NO.4886 OF 2025 IN AO/14/2025

Dada s/o Dhondiba Adhane, through his power of attorney
holder Ramesh s/o Suryabhan Shejul

VERSUS

The State Of Maharashtra Through Collector Aurangabad And
Others.

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Advocate for Applicant : Mr. S.S. Khoche a/w Mr. D.P. Palodkar

AGP for Respondents: Mr. D B Bhange

Advocate for Respondent : Mr. S.S. Gangakhedkar a/w Y.D.Kale

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WITH

APPEAL FROM ORDER NO. 14 OF 2025

WITH

CIVIL APPLICATION NO.3056 OF 2025 IN AO 14 OF 2025

Kamalbai wd/o Bhagwan Kharat

Versus

The State of Maharashtra and others.

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Mr. S.S. Gangakhedkar a/w Y.D. Kale advocate for appellant.

Mr. D.B Bhange AGP for respondent State.

Mr. D.P Palodkar a/w Mr. S.S. Khoche, advocate for respondent
no.5.

CORAM : S. G. CHAPALGAONKAR, J.

Dated : April 28, 2025

ORDER :-

on CA No.4886/2025 in AO 14/2025 :-

1. Heard learned advocates appearing for the respective parties.

2. The applicant is original plaintiff in R.C.S. No.263 of 2023. The defendant filed an application seeking rejection of

the plaint on the grounds that suit is barred under section 41 of the Maharashtra Agricultural land (Ceiling on Holdings) Act, 1961. Said application was entertained and plaint was rejected vide order dated 17.8.2024. It is contention of the applicant that during pendency of the suit, vide order dated 17.7.2023 the defendants were directed to maintain status-quo in respect of the suit property and the same protection was continued time to time. Even, in the appeal filed before the learned District Judge, Appellate Court granted similar protection.

3. Mr. Palodkar, learned counsel submits that, now appeal against order is filed by the defendants against the order of appellate court, thereby remanding the matter back to the trial court. This Court stayed the order of remand. Taking disadvantage of the situation, now the defendants are trying to disturb possession of the plaintiffs. He relies upon notice dated 25.4.2025 served upon him by Tahsildar Vaijapur, District Chhatrapati Samhajanagar.

4. Considering the submissions advanced and the fact that possession of the applicant was protected during pendency of the suit as well as in Misc. Civil Appeal before the District Court, it would be just and proper that the *status-quo* as regards to the possession over the suit properties is maintained till this Court hears Appeal from Order. In the result, following order is passed.

ORDER

- i. Issue Notice to the respondents, returnable on 26.6.2025. Learned AGP waives notice for

respondent nos.1 to 4. Advocate Mr. Kale h/f Mr. Gangakhedkar waives notice for respondent no.5.

- ii. Till the returnable date, the proceeding of measurement of the land in pursuance to notice dated 11.4.2025, issued by the Tahsildar may go on, however, **status-quo** as to possession shall be maintained till then.

Appeal from Order :-

1. Learned AGP appears for respondent nos.1 to 4. Learned Advocate Mr.D.P. Palodkar a/w Mr. Khoche appears for respondent no.5.
2. Mr. Gangakhedkar, learned counsel appearing for the appellant submits that he does not claim any relief as against respondent nos.6 to 9 and respondent nos.6 to 9 are the formal parties. Hence, no notice is required to be served upon them. Hence, Appeal from Order may be posted for admission.
3. Office to take a note of it. Place Appeal from Order on admission board for hearing on next date.
4. Stand over to 26.6.2025. Interim relief, if any, granted earlier, to continue, till then.

(S. G. CHAPALGAONKAR, J.)

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