



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

CRA NO. 196 OF 2025

Dipak Chandrabhan Gadhade/gavande

VERSUS

The State Of Maharashtra Thr Its Collector Ahmednagar And
Others

...

Mr. J. J. Patel h/f Mr. R. S. Kasar, Advocate for the Applicant
Mr. S. S. Dande, AGP for Respondents-State

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CORAM : AJIT B. KADETHANKAR.

DATED : 11TH SEPTEMBER, 2025

ORDER :-

1. It is the contention of the applicant that while appellate proceedings are pending before the Competent Authority under Maharashtra Land Revenue Code, 1966, challenging an order passed by Tahsildar under Rule 143 of Maharashtra Land Revenue Code, the respondents could not have filed the present Civil Suit i.e. Regular Civil Suit No.525 of 2024 in the Court of learned Civil Judge, Senior Division, Ahmednagar. Mr. Patil learned Counsel representing the applicant further refers to Sub Rule 3 and 4 of Rule 143, which speaks as under:

(3) The Tahsildar's decision under this Section shall, subject to the provisions of sub-sections (4) and (5), be subject to appeal and revision in accordance with the provisions of this Code.

(4) Any person who is aggrieved by a decision of the Tahsildar under this Section may, within a period of one year from the date of such decision, institute a civil suit to have it set aside or modified.

2. Mr. Patil then has taken me to the prayer clause in the Civil Suit (supra), wherein plaintiff have challenged the very order passed by the Tahsildar, Pathardi, Dist. Ahmednagar. He further contends that since appeal has already been preferred before the Competent Authority under Sub Rule 3 of Rule 143 of Maharashtra Land Revenue Code, subsequent filing of Civil Suit could not be permissible, particularly when the plaintiff suffered rejection of interim application. Mr. Patil further submits that in view of these facts, he has filed an application under Order 7 Rule 11(d) before the learned Trial Court seeking rejection of the plaint.

3. That, the learned Trial Court however rejected the said application filed below Exhibit 19, vide order dated 30.07.2025, which is impugned in the Civil Revision Application.

4. Issue notice to the respondents returnable on 06.11.2025, indicating that the Civil Revision Application

would be decided finally at the stage of admission.

5. Mr. Patil submits that at present, notices be issued only to respondent nos.4 to 6, since they are plaintiffs before the learned Trial Court. Applicant is permitted to serve the respondents by all permissible modes of private service and to lodge affidavit of service to that effect.

6. Humdast granted.

(AJIT B. KADETHANKAR, J.)

Rushikesh/2025