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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3079 OF 1997

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Draupadi Nilkanth Harmalkar
Since Deceased by Her Heirs & Ors. ... Petitioners

V/s.

Vasant Mahadeo Bugade,
Deceased through legal heirs & Ors. ... Respondents

WITH
SECOND APPEAL NO.1513 OF 2005

Vasant Mahadeo Bugade
Since Deceased Through L.R. & Ors. ... Applicants

V/s.

Vitthal Nilkanth Harmalkar
Since Deceased Through LR's & Ors. ... Respondents

Mr. D. S. Mhaispurkar for the petitioners in writ
petition and for respondent Nos.1 to 3 in second
appeal.

Mr. Sunil G. Karandikar for the applicants in second
appeal and for respondent Nos.1 to 6 in writ petition.

CORAM : AMIT BORKAR, J.

DATED : MARCH 28, 2025

P.C.:

WRIT PETITION NO.3079 OF 1997

1. It is jointly submitted by the learned counsel appearing for
the respective parties that the impugned order dated 17th

February 1997 passed by the Maharashtra Revenue Tribunal, Mumbai (for short, "MRT") be confirmed. It is further agreed that in view of the directions contained in the said order of the MRT, the Tahsildar, Sawantwadi, shall proceed to decide the issue of tenancy, as referred by the MRT, strictly in accordance with law and on its own merits.

2. It is further submitted and agreed between the parties that the order dated 5th September 2001 passed in Tenancy Reference No. 1 of 1994 stands vitiated and the same deserves to be quashed and set aside. Accordingly, by consent of parties, the said order dated 5th September 2001 is quashed and set aside. The Tahsildar, Sawantwadi, shall now adjudicate upon the issue of tenancy afresh, uninfluenced by any earlier observations, after affording a reasonable opportunity of hearing to all concerned parties and in accordance with the provisions of law.

3. In view of the above consensual arrangement between the parties, nothing survives for adjudication in the present writ petition. The writ petition is accordingly disposed of. There shall be no order as to costs.

4. Pending interlocutory application(s), if any, stand disposed of.

SECOND APPEAL NO.1513 OF 2005

5. In view of the fact that the issue of tenancy has now been referred for a fresh adjudication before the Tahsildar, Sawantwadi, in terms of the directions of the Maharashtra Revenue Tribunal, it would not be appropriate to proceed with the hearing of Second

Appeal No. 1513 of 2005 at this stage. Since the outcome of the reference proceedings before the Tahsildar is likely to have a direct bearing on the issues involved in the Second Appeal, the interest of justice would warrant that the appeal be not taken up for final hearing until the said reference is conclusively decided. Accordingly, the hearing of Second Appeal No. 1513 of 2005 is directed to be kept in abeyance *sine die*, with liberty to the parties to move for revival of the appeal, as and when the proceedings before the Tahsildar attain finality.

(AMIT BORKAR, J.)