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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.390 OF 2025

Shamrao Dnyanu Shewale & Ors.	... Petitioners
V/s.	
Raghunath Eknath Patil & Ors.	... Respondents

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Mr. Nagesh Y. Chavan for the petitioners.

Mr. Kuldeep U. Nikam for respondent Nos.1 to 3.

Ms. Savita A. Prabhune, AGP for respondent Nos.4 & 5-
State.

CORAM : AMIT BORKAR, J.

DATED : APRIL 4, 2025

P.C.:

1. Challenge in this writ petition under Article 227 of the Constitution of India is to the order dated 8 August 2024 passed by the Sub-Divisional Officer, Miraj, in Revision No.482 of 2022. The said revision arose out of the order dated 15 July 2022 passed by the Tehsildar, Miraj, in proceeding No.Road/S.R./13/2011 instituted under Section 5 of the Mamlatdar's Courts Act, 1906.

2. The Tehsildar, Miraj, while adjudicating upon the application filed before him, has placed reliance on the judgment and decree passed by the competent Civil Court in Civil Suit No.449 of 2000 concerning the same subject-matter. The Civil Court, upon appreciating the evidence on record, has granted a declaration in

favour of respondent Nos.1 to 3, thereby declaring them to be the owners of the suit property. Further, the Civil Court has also enjoined the defendants therein from disturbing the possession of respondent Nos.1 to 3 over the said property.

3. Upon perusal of the record, it is manifest that the property involved in the present proceedings is the very same property which was the subject-matter of adjudication in the aforesaid Civil Suit. Once the competent Civil Court, after due adjudication, has declared respondent Nos.1 to 3 to be the owners of the property and has restrained interference with their possession, such declaration attains finality and binds the parties thereto as well as persons claiming under them. The Authorities exercising jurisdiction under the Mamlatdar's Courts Act, 1906, being creatures of statute and exercising limited summary jurisdiction, are bound by the judgment and decree of the Civil Court. It is a settled position of law that summary authorities cannot sit in appeal over or disregard the binding effect of a Civil Court's decree. Consequently, the Authorities were justified in rejecting the application filed by the petitioners, which was contrary to the final adjudication of ownership rendered by the Civil Court.

4. As regards the contention raised on behalf of the petitioners that they were not parties to the civil proceedings, the same deserves to be noted only for rejection. It is well settled that a decree of a Civil Court declaring ownership not only binds the parties thereto but also those who claim rights under or through the defeated parties. Once the ownership of respondent Nos.1 to 3 has been conclusively declared by the Civil Court, and possession

protected, any subsequent claims in derogation of such ownership cannot be entertained by summary proceedings under the Mamlatdar's Courts Act, 1906. The scheme of the said Act does not permit reopening questions of title or ownership which have been finally adjudicated by a competent Civil Court. The petitioners, claiming rights contrary to the Civil Court's decree, are thus not entitled to invoke the jurisdiction of the Authorities under the said Act for relief.

5. In view of the foregoing discussion, it is evident that the Authorities under the Mamlatdar's Courts Act, 1906, have rightly appreciated the binding nature of the Civil Court's decree and have correctly rejected the petitioners' application. No jurisdictional error or perversity is demonstrated in the impugned order passed by the Sub-Divisional Officer, warranting interference in exercise of the supervisory jurisdiction of this Court under Article 227 of the Constitution of India.

6. Accordingly, the writ petition fails and stands dismissed. No order as to costs.

(AMIT BORKAR, J.)