

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17482 OF 2024

Prakash Sadashiv Jagtap & Anr.

.. Petitioners

Versus

Sunanda Narayan Jagtap & Ors.

.. Respondents

.....

- Mr. Nilesh Wable, Advocates for Petitioners
- Mr. Kishor Ajetrao, Advocate for Respondent Nos. 1 and 2
- Mr. S.L. Babar, AGP for Resondent - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 19, 2025

P. C.:

1. Heard.

2. Mr. Ajetrao, learned Advocate for Respondent Nos. 1 and 2 seeks time to file affidavit in reply. He would submit that affidavit in reply is ready but his clients were supposed to arrive today to affirm the same from Sangli but because of the rain, they are running late. He would persuade the Court to take the affidavit in reply on record after it is affirmed and thereafter hear the present Writ Petition.

3. *Prima facie* it is seen that Application made by private Respondents before Mamlatdar Court under Section 5 of the Mamlatdar Court's Act wherein the impugned order is passed is barred by the principles of *res judicata* and *constructive res judicata* in as much as an identical Application was preferred by the private

Respondents under Section 5 of the said Act previously which came to be dismissed. In that view of the matter, Respondents shall keep the aforesaid issue in mind and accordingly apprise the Court on the next adjourned date.

4. In the meanwhile, no coercive and further steps shall be taken by the Tahsildar in view of the impugned order dated 10.06.2024 passed by the concerned Authorities. Learned AGP is directed by Court to inform the concerned Tahsildar to ensure that no coercive steps shall be taken by him until the present Petition is heard and decided by the Court.

5. Stand over to **26th June, 2025.**

[MILIND N. JADHAV, J.]

Amberkar

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2025.06.19
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