



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.17761 OF 2024**

Vilas Ganpati Mudgal (deceased)
through heirs Sakhubai @ Shakuntala Vilas
Mudgal and Ors. ... Petitioners
versus
Savitribai w/o Vishwanath Suryawanshi
(deceased) through legal heirs and Ors. ... Respondents

Mr. N.J.Patil i/by Mr. Akshay N. Patil, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 21 JANUARY 2025

P.C.

1. Heard the learned Counsel for the Petitioners.
2. Mr. Patil, learned Counsel for the Petitioners invited attention of the Court to an order dated 20 September 2001, passed by this Court in WP No.4529 of 2000, whereby while issuing rule, this Court has granted interim relief in terms of prayer clause (c).
3. Learned Counsel for the Petitioners submits that tenancy issue referred to the authorities under the Bombay Tenancy and Agricultural Lands Act, 1948 has yet not been decided and the order passed by the Maharashtra Revenue Tribunal stands stayed. In such circumstances, the suit could not have been proceeded with.
4. An arguable question is raised.
5. Issue notice to the Respondents, returnable on 18 February 2025 for

final disposal.

6. In addition to notice through Court, the Petitioners are at liberty to serve the Respondents by private service and file an affidavit of service.

7. In the meanwhile, there shall be an ad-interim relief in terms of prayer clause (c) of the Petition.

(N.J.JAMADAR, J.)