

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11782 OF 2024

IN

WRIT PETITION NO. 828 OF 2021

Shri Dundappa Shivaru Mahar
Since Deceased Through Lrs & Ors.

...Applicants/Petitioners

Versus

Smt. Sonavva w/o Bhimappa Satyanaik
& Ors.

...Respondents

- Ms. Nirmal Shelar i/b S. s. Patwardhan, for Applicants/Petitioners.
- Ms. Ridima Ashok Shinde i/b Mr. Sangharsh U. Waghmare, for Respondent No.1.
- Mr. S. L. Babar, AGP for Respondent Nos.3 to 5.

CORAM : MANISH PITALE, J.

DATE : 26th JUNE 2025.

P. C. :

1. The petitioners have been constrained to file this application to seek further stay of proceedings before the Tahsildar. It is submitted that while granting Rule by an order dated 17th February 2021, this Court had granted interim relief in terms of prayer clause (b) and in the face of such an interim order the Tahsildar could not have entertained the application filed by respondent No.1.

2. The learned AGP submitted that appropriate instructions could be taken in the matter, while the learned counsel appearing for respondent No.1 submitted that this Court while granting Rule had made it returnable

SHRIKANT
SHRINIVAS
MALANI

Digitally signed by
SHRIKANT
SHRINIVAS MALANI
Date: 2025.06.27
11:23:22 +0530

after 16 weeks and therefore, on the expiry of 16 weeks, the interim relief no longer operated, due to which the respondent No.1 filed the application before Tahsildar and the Tahsildar is proceeding in the matter.

3. The interpretation being placed on behalf of the respondent No.1 on the order dated 17th February 2021, on the basis on which the Tahsildar appears to be proceeding in the matter, is erroneous.

4. It is made clear that interim relief in terms of prayer clause (b) granted by this Court by order dated 17th February 2021, shall continue to operate during the pendency of this petition.

5. The application is disposed of.

(MANISH PITALE, J.)