

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 451 OF 2025

Kailash Raghunath Nalawade and ors. ...Appellants

Versus

Narayan Dhondiba Nalawade ...Respondent

WITH

INTERIM APPLICATION NO. 10540 OF 2025

IN

SECOND APPEAL NO. 451 OF 2023

Kailash Raghunath Nalawade and ors. ...Applicants

Versus

Narayan Dhondiba Nalawade ...Respondent

Mr. Santosh Shirsat, for the Appellants.

Mr. Vilas Tapkir, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 17th SEPTEMBER, 2025

Order:-

1. Heard the learned Counsel for the parties.
2. This Second Appeal is directed against a judgment and decree passed by the learned District Judge, Rajgurunagar Khed, District Pune, whereby the appeal preferred by the respondent – original plaintiff against a judgment and decree passed by the learned Civil Judge, Junior Division, Junnar, dismissing Regular Civil Suit No.192 of 2000, instituted by the respondent came to be allowed by setting aside the said

decree and restraining the appellants – defendants from distributing the lawful possession of the respondent – plaintiff over the suit land.

3. Mr. Shirsat, the learned Counsel for the appellants, would urge that, the learned District Judge passed the impugned order swayed by the order passed in the proceedings under Section 32G of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (“the MT&AL Act, 1948”), thereby determining purchase price of the subject land, ignoring evidence in the form of the agreements between the predecessor-in-title of the plaintiff and defendants – appellants. An endeavour was made to urge that, the said proceedings under Section 32G of the MT&AL Act, 1948 were not lawfully constituted as the notices of the said proceedings were not served on the predecessor-in-title of the defendants, though his name was shown in the cultivators column.

4. First and foremost, it is imperative to note that, the suit was instituted for injunction simpliciter based on title and lawful possession over the suit land. The Appellate Court has rightly held that, the order passed by the Agricultural Land Tribunal under Section 32G of the MT&AL Act, 1948 attained finality and it was never challenged by the defendants or their

predecessor-in-title. Subsequently, under the consolidation scheme, the suit land came to be allotted to the plaintiff and his late father. There was no challenge to the allotment of the suit land under the consolidation scheme to the plaintiff. Neither the challenge to the order determining the purchase price under Section 32 G of the MT & AL Act, 1948 nor the challenge to the order of allotment of the suit land to the Plaintiff and his predecessor-in-title under the Consolidation Scheme can be raised before the Civil Court. The jurisdiction of the Civil Court stands expressly barred under those enactments.

5. In this view of the matter, as the possession of the plaintiff over the suit land is referable to lawful title and, conversely, the defendants did not seem to have any better title, the Defendants were under an obligation not to cause any obstruction to the possession and cultivation of the plaintiff of the suit land.

6. The Appellate Court has thus taken a correct view of the matter. No substantial question of law arises for consideration.

7. The Second Appeal, thus, stands dismissed.

8. In view of disposal of the Second Appeal, IA/10540/2025 also stands disposed.

[N. J. JAMADAR, J.]