



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR
CIVIL REVISION APPLICATION NO.70 OF 2024

Govind Bhagwat and ors **Vs.** The-sub Division Officer, Umarkhed and ors.

WITH
CIVIL REVISION APPLICATION NO.54 OF 2023

Kantabai Taak **Vs.** The-sub Division Officer, Umarkhed and ors.

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

CRA 70 of 2024

Mr.V. N. Patre Advocate for applicants.

Mr. N. B. Kalwaghe, Advocate for respondent Nos. 5a, 6,7, & 8 to 13.

Mrs. H. S. Dhande, AGP for respondent/State.

CRA 54 of 2023

Mr. N. B. Kalwaghe, Advocate for LR's of Applicant No.1.

Mr.V. N. Patre Advocate for respondent Nos.5 to 8.

Mrs. H. S. Dhande, AGP for respondent/State.

CORAM : ROHIT W. JOSHI, J.

DATE : 11.12.2025.

. These Civil Revision Applications are filed challenging the order passed by the Mamlatdar under Section 5 of the Mamlatdar's Courts Act,1906 with respect to the right of way, which is subsequently modified by the Sub-Divisional Officer (SDO) while deciding the revision under Section 23(2) of the said Act.

2. The revision petitioners in CRA 70 of 2024 are the plaintiffs and the revision petitioners in CRA 54 of 2023 are the defendants before the learned Mamlatdar .

3. Both the learned Advocates state that the Civil Revision Applications be disposed by granting liberty to both the parties to seek appropriate redress before the learned Civil Court, by continuing the arrangement as

directed by the learned SDO for a period of around one month.

4. In view of the above, both Civil Revision Applications are **disposed of** as withdrawn.

5. Liberty is granted to both parties to file appropriate civil suits with respect to the same cause of action. The order impugned in the Civil Revision Applications, passed by the learned SDO, shall operate subject to further orders that may be passed by the learned Civil Court.

6. It will be open for the learned Civil Court to pass appropriate interim order/s contrary to the order passed by the learned SDO, since order passed by learned Civil Court, including interim orders, have overriding effect over the final orders passed in proceedings under the Mamlatdar's Courts Act, 1906.

7. Original record and proceedings of the case be remitted to the respective offices.

(ROHIT W. JOSHI, J.)

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