



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 312/2025

Dilip Katakwar
...VERSUS...

State of Maharashtra & others

Office Notes, Office Memoranda of Coram, Court's or Judge's orders
appearances, Court's orders or directions
and Registrar's orders
Shri V.A. Dhabe, Advocate for the Applicant(s)
Shri B.M. Lonare, AGP for the Respondent/State

CORAM:- M.S. JAWALKAR, J.
APRIL 25, 2025

- . Heard learned Counsel for the Applicant.
- (2) The present Application is filed by the Applicant for transfer of the pending Review Application bearing MJC No. 127/2024 along with original Regular Civil Appeal No. 49/2019 (decided on 11/10/2019) from the Court of learned Principal District Judge, Bhandara to the Court of learned District Judge, Nagpur.
- (3) The Applicant is the original Plaintiff in the Regular Civil Suit No. 175/2010 which was filed by him with respect to his ancestral agricultural properties bearing Survey Nos. 227, 228, 231 & 232 of

Mouza Wadegaon, Tahsil Mohadi, District Bhandara. He is also the owner of Survey Nos. 226, 233 & 234 of Mouza Wadegaon.

(4) Learned Counsel for the Applicant contends that the dispute was cropped up, as the Respondent No. 5, who erroneously and without following any process of law, attempted to show the title and possession of the Government over the ancestral lands mentioned in Survey Nos. 227 to 232. Regular Civil Suit No. 175/2010 filed by the Applicant - Plaintiff came to be decreed by the learned Civil Judge Senior Division, Bhandara vide judgment dated 27/07/2017. As such, the Applicant has proved the ancestral status of the suit properties which were belonging to his forefathers as per the Revenue Records.

(5) Being aggrieved by the said judgment and decree dated 27/07/2017, the Respondent Nos. 1 to 5 filed Regular Civil Appeal No. 175/2010 which was allowed by the learned District Judge, Bhandara vide order dated 11/10/2019. Being aggrieved by the same, the present Applicant preferred Second Appeal No. 522/2019 before this Court, wherein the parties were directed to maintain *status-quo*, however, the said Second Appeal came to be disposed of vide order dated 28/04/2022 and liberty was granted to the Applicant - Plaintiff to file Review Application before the learned District Judge, Bhandara. By the

said order itself, interim protection was extended for a further period of ten weeks to enable the Applicant - Plaintiff to file the Review Application.

(6) Immediately, the Applicant filed Review Application bearing MJC No. 61/2022 before the learned District Judge, Bhandara along with the stay Application.

(7) It is contended that in spite of filing of the stay Application and in spite of the fact that the matter was pending before this Court in Second Appeal, the learned District Judge insisted the Applicant to file Application for condonation of delay. Accordingly, the Applicant filed the Application for condonation of delay on 06/06/2022. However, while deciding the Application for condonation of delay, the learned District Judge failed to consider the stay Application and not decided the same. Because of the above situation, the standing crops were destroyed by the Respondents with the help of one 'Krida Sankul Bachav Samiti', so also, with the help of JCB, the small house, storage room, cow shed and borewell were demolished.

(8) In my considered opinion, when the High Court has extended the interim protection for ten weeks and within that period, the Applicant

filed the Review Application as well as the stay Application, so also the Application for condonation of delay as directed, the learned District Judge, *prima-facie*, appears to have committed an error in not granting hearing on the stay Application.

(9) As such, issue notice to the Respondents, returnable on 10/06/2025.

(10) Shri B.M. Lonare, learned AGP waives notice for the Respondent Nos. 1 to 5.

(11) In the meanwhile, there shall be ad-interim relief in terms of prayer clause (iii) and the parties shall maintain *status-quo* as on today.

(12) Copy of this order duly authenticated by Private Secretary be given to the parties to act upon.

(M.S. JAWALKAR, J.)