VAIBHAV RAMESH JADHAV
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 613 OF 2024

1 Mohan Kashinath Madane

Age: years, Occ: Farmer
Residing at: Peth, Tal. Walwa, Dist. Sangali

2 Nilam Nazir Valandkar

Age: 46 years, Occ: Farmer
Residing at: At post-Walwa, Tal-Walwa,
Dist. Sangali

3 Ashpak Nazir Valandkar

Age: 52 years, Occ: Farmer
Residing at: At post Walwa, Tal. Walwa
Dist. Sangali … Applicants

V/s.

1 Gunga Kisan Patil (Khabale)

Age: 41 years, Occ- Farmer
Residing at: Khed, Tal. Shirala, Dist, Sangali

2 Bajrang Kisan Patil (Khabale)

Age: 36 years, Occ-Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

3 Aananda Kisan Patil (Khabale)

Age: 35 years, Occ- Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

4 Sunanda Rangrav Patil (Khabale)

Age 42 years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

5 Vaishali Sandip Desai

Age: years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

6 Savita Vinayak Patil

Age: 38 years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

7 Vidya Chandrakant Mane

Age: 42 years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

8 Shital Rangrav Patil

Age: 50 years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

9 Chaitrali Rangrav Patil

Age: years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

10 Aakaram Yashwant Patil

Age: 56 years, Occ: Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

11 Shrimati Shakuntala Bhimrao Patil

Age: 52 years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

12 Sadashiv Bhimrao Patil

Age:46 years, Occ: Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

13 Pramila Baburao Yavatkar

Age: 41 years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

14 Sunanda Haousrao Patil

Age: 42 years, Occ: Housewife
Residing at: Khed, Tal. Shirala, Dist. Sangali

15 Pradeep Haouserao Patil

Age:41 years, Occ: Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

16 Maruti Haousrao Patil

Age: 40 years, Occ: Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

17 Uday Vasant Patil

Age:36 years, Occ: Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

18 Mahindra Vasant Patil

Age:32 years, Occ: Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

19 Balu Urf Hambirrao Yashwant Patil

Age:48 years, Occ: Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali

20 Prakash Rangrav Patil

Age: years, Occ: Farmer

Residing at: Khed, Tal. Shirala, Dist. Sangali

21 Sadashiv Kisan Patil (Khabale)

Age: 30 years, Occ: Farmer
Residing at: Khed, Tal. Shirala, Dist. Sangali … Respondents

Ms. Neha Deshpande with N. G. Kamble i/by Ms. Gargi U. Warunjikar for the Applicants.

Mr. Shekhar Jagtap (through V.C.) with Mr. Sanket Khandagale i/by J. Shekhar Associate for the Respondents.

CORAM : ASHWIN D. BHOBE, J.

DATED : OCTOBER 15, 2026

ORAL JUDGMENT:-

1. Heard, Ms. Neha Deshpande, learned Advocate for the Applicants and Mr. Shekhar Jagtap, learned Advocate for the Respondents.

2. By this Application filed under Section 115 of the Code of Civil Procedure, 1908, the Applicants assail the Order dated 19th October 2024 passed by the Joint Civil Judge, Junior Division, Shirala ("Trial Court") in Regular Civil Suit No. 120 of 2024, which rejected the Application at Exhibit-20 filed by the Applicants under Order VII Rule 11(a) and (d) of the Code of Civil Procedure, 1908 ("impugned judgment").

3. Applicants are the Defendants, whereas the Respondents are the Plaintiffs in Regular Civil Suit No. 120 of 2024.

4. The material facts relevant to the adjudication of this Application are that the Respondents instituted Regular Civil Suit No. 120 of 2024 before the Trial Court. The suit pleads that the Respondents are tenants of the suit property (Gat No. 336 situated at Mauje Khed, Taluka Shirala, District Sangli) and that the Applicants, who have now stepped into the shoes of the landlords, are interfering with their possession.

5. The Applicants filed an Application at Exhibit-20 in Regular Civil Suit No. 120 of 2024, seeking rejection of the plaint under Order VII Rule 11(a) and (d) of the Code of Civil Procedure, 1908, on the ground that the suit filed by the Respondents is barred under Section 85 of the Maharashtra Tenancy and Agricultural Lands Act, 1948 ("said Act"). The Respondents opposed the Application at Exhibit-20.

6. By impugned order, the Trial Court rejected the Application at Exhibit 20.

7. Ms. Neha Deshpande, learned Advocate for the Applicants, submits that on a bare reading of the plaint, i.e. without any addition or subtraction of the averments, the suit filed by the Plaintiffs is clearly barred in view of Section 85 of the said Act. She submits that the Trial Court failed to consider

this aspect, which goes to the root of the matter and consequently erred in passing the impugned order. By referring to the impugned order, she submits that the Trial Court exercised its jurisdiction perversely.

8. Mr. Shekhar Jagtap, learned Advocate for the Respondents, in all fairness, submits that the Respondents' case before the Trial Court is that they are tenants and that the interference with their possession is at the instance of the Applicants, who have stepped into the shoes of their predecessor-in-title, that is, the landlords of the suit property.

9. Mr. Shekhar Jagtap, learned Advocate for the Respondents, does not contest the law on Section 85 of the said Act. He, therefore, on instructions from the Respondents, seeks leave to withdraw Regular Civil Suit No. 120 of 2024, with liberty to file appropriate proceedings as may be available under the said Act.

10. Ms. Neha Deshpande, learned Advocate for the Applicants, submits that the Applicants have no objection to the Respondents-Plaintiffs withdrawing the suit and if entitled in law, to pursuing their remedies under the said Act. However, she requests that all the Applicants' contentions on merits and maintainability, in the event the Respondents file any proceedings under the Act, be left open.

11. Based on the statement made by Mr. Shekhar Jagtap, learned Advocate

for the Respondents-Plaintiffs and the no objection given by Ms. Neha Deshpande, learned Advocate for the Applicants, the request made by Mr. Shekhar Jagtap, learned Advocate for the Respondents, is accepted. Leave is granted to the Respondents to withdraw the Regular Civil Suit No. 120 of 2024, with liberty to file proceedings, if available, under the said Act. Consequently, Regular Civil Suit No. 120 of 2024, filed by the Respondents, stands dismissed as withdrawn. The proceedings of Regular Civil Suit No. 120 of 2024 before the Joint Civil Judge, Junior Division, Shirala, are closed.

12. All the contentions of the parties, including the issue of maintainability of such proceedings, are expressly left open for consideration before the Competent Authority if the Respondents choose to file any such proceedings under the said Act.

13. Civil Revision Application No. 613 of 2024 is disposed of in the above terms.

(ASHWIN D. BHOBE, J.)