Vivekanand

VIVEKANAND RAJENDRA BONDE
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Date: 2026.10.05 19:13:51 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8769 OF 2021
WITH
CONTEMPT PETITION (ST) NO. 10053 OF 2022

Ramesh Vishwanath Jadhav And Ors … Petitioners

V/s.

Kalpana Balasaheb Jadhav And Ors … Respondents

Mr. Sachin Gite, for the Petitioners.

Mr. Pratik Rahade, for the Respondent Nos. 1 & 2.

Ms. Savina Crasto, AGP, for the State-Respondent No. 10.

CORAM : AMIT BORKAR, J.

DATED : OCTOBER 5, 2026

P.C.:

1. The Petition arises out of proceedings initiated under Section 5 of the Mamlatdars' Courts Act, 1906.

2. The Tahsildar rejected the application filed by the Respondents, principally on the ground that the co-owners of the adjoining properties had not been impleaded as parties to the proceedings. The Revisional Authority, however, permitted the Respondents to implead the owners of the adjoining properties and thereafter proceeded to consider and decide the dispute on merits.

3. In my view, once the Revisional Authority permitted the necessary parties to be impleaded, the proper course would have been to remit the matter to the Tahsildar, being the authority before whom the proceedings were originally instituted, so as to

enable all the parties to place their respective cases and lead evidence in support thereof. The parties ought to have an effective opportunity to produce the relevant documents and evidence before the first authority. The Revisional Authority, in the circumstances of the present case, ought not to have proceeded to finally adjudicate the dispute on merits without such opportunity being afforded to the parties. The impugned order, therefore, cannot be sustained and deserves to be set aside.

4. I, therefore, pass the following order:

5. The impugned order passed by the Deputy Collector and Sub Divisional Officer, Sinnar, District Nashik, in RTS/Revision/66/2021 is quashed and set aside.

6. The proceedings are remitted to the Tahsildar, Sinnar, for adjudication afresh in accordance with law.

7. The Tahsildar shall grant an effective opportunity of hearing to all the parties and shall permit them to place on record such documents and other material as they may seek to rely upon in support of their respective claims.

8. Having regard to the pendency of the present Petition, the Tahsildar shall proceed with the proceedings under Section 5 of the Mamlatdars' Courts Act, 1906, and endeavour to decide the same in accordance with law.

9. In view of the disposal of the Writ Petition, the Contempt Petition does not survive and the same stands disposed of accordingly.

(AMIT BORKAR, J.)