

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No.3165 of 2026

Nivrutti Genu Khandve
since deceased through LR s
and others

... Petitioners

V/s.

Balu Gabaji Khandve and others

... Respondents.

Mr. Nachiket Khaladkar for the petitioners.

Mrs. G.R.Raghuwanshi, AGP for respondent Nos.2 and 3.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATE : 16th April 2026.

P.C. :

1. Heard learned counsel for the parties.

2. We are not referring to facts in detail. Suffice it to observe that RTS Appeal No.612/2023 was filed by respondent No.1 on 27th July 2023 along with the application for condonation of delay. The proceedings have arisen out of Mutation Entry No.38774 effected in favour of the petitioner. The petitioner filed reply to the application for condonation of delay in RTS Appeal No.612/2023 on 1st December 2023. Rejoinder dated 13th April 2024 was filed by

respondent No.1 to the reply filed by the petitioner to the application for condonation of delay.. The SDO passed an order in RTS Appeal No.612/2023 on 26th May 2025 whereby the delay was condoned. The petitioner preferred a revision application and stay application before the Hon'ble Minister challenging the order dated 26th May 2025 passed in RTS Appeal No.612/2023.

3. Learned counsel for the petitioner submitted that neither application was stayed nor the revision application has been heard by Hon'ble Minister. In the meantime, the SDO is proceeding with the hearing of the appeal and the matter is now listed on 20th April 2026. It is submitted that if the appeal is finally heard and decided by the SDO, it will cause serious prejudice to the petitioner.

4. We have heard learned AGP who opposed the petition.

5. We find the application for stay before the Hon'ble Minister was filed on 12th September 2025. We, therefore, request the Hon'ble Minister to decide the application for stay as expeditiously as possible and in any case within a period of six weeks from the date of communication of this order. The Petitioner to appear before the Hon'ble Minister alongwith the copy of this order on 20th April 2026 at 3.00 p.m.

6. For a period of 8 weeks from today, the SDO not to pass any final orders in the RTS Appeal No.612/2023.

7. Keeping all contentions open, petition is disposed of.

(S.M.MODAK,J.)

(M.S.KARNIK, J.)