

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

CIVIL REVISION APPLICATION NO.29/2026

Kamaldeo S/o Tikaram Dhurve and others
...Versus...
Santosh Tukaram Dhurve and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. S.P Gupta, Advocate for applicants

CORAM : ROHIT W. JOSHI, J.
DATE : 20/02/2026

1. The present revision application is preferred challenging the order dated 15/12/2025, passed by the learned 2nd Joint Civil Judge, Junior Division, Ramtek, rejecting objection filed by the revision petitioner (Judgment Debtor) vide Exh.38 in Regular Darkhast No.1400001/2003. The Judgment Debtor has suffered decree for possession in Regular Civil Suit No.193/1990. The decree passed by the learned Trial Court is confirmed up to this Court.

2. The Judgment Debtor has raised an objection that decree for possession is passed in favour of the plaintiffs- Decree Holders on the basis of sale-deed dated 18/05/1984, although his possession is based on tenancy. The learned Advocate for the revision petitioners contends that the possession of the Judgment Debtor is on the basis of rental arrangement between the parties ever since the year 1974 and that since possession is not based on sale-deed, decree for possession is without jurisdiction. He further contends that the

Civil Court did not have jurisdiction to pass decree for possession pertaining to agricultural land and that the jurisdiction for the said purpose is vested with the Court of Mamlatdar under Section 5 (b) of the Mamlatdar's Courts Act, 1906.

3. As regards the first contention, the learned Trial Court has framed a specific issue with respect to validity of sale-deed and also as regards possession of the Judgment Debtor on the basis of the said sale-deed. Both these issues are answered in favour of the plaintiffs/Decree Holders, holding that the sale-deed dated 18/05/1984 is null and void and that the possession of the Judgment Debtor is on the basis of said sale-deed. This finding is confirmed by the learned Appellate Court as also this Court.

4. In view of the aforesaid, the first contention that the possession of Judgment Decree is not on the basis of sale-deed is liable to be rejected. The said issue is already decided by the learned Courts while deciding the suit.

5. As regards the second contention with respect to jurisdiction of Mamlatdar, the jurisdiction of Mamlatdar does not oust the jurisdiction of a Civil Court. The scheme of the Act is to address matters of moment. Civil rights of the parties are finally adjudicated and decided by a Civil Court. Section 22 of the Mamlatdar's Courts Act clearly stipulates that any order passed by Mamlatdar operates only till adjudication to the contrary by the Civil Court. There is no provision under the Mamlatdar's Courts Act excluding jurisdiction of Civil Court.

6. It must also be stated that the foundation of the suit is that the sale-deed dated 18/05/1984 in favour of the

Judgment Debtor was null and void and the prayer for possession is based on the said declaration. The Mamlatdar, exercising jurisdiction under the Mamlatdar's Courts Act, does not have jurisdiction to declare a sale-deed as illegal or null and void.

7. In view of the aforesaid, this Court does not find that the impugned order, rejecting the objection warrants any interference. Civil Revision Application is dismissed with no order as to costs.

8. It is seen that the civil suit filed in the year 1990 came to be decided on 11/04/1997. The appeal preferred in the year 1997 came to be thereafter decided in the year 2004. Second Appeal is dismissed by this Court on 19/12/2022. The execution is pending since the year 2003. The learned Executing Court is, therefore, directed to expedite the execution proceeding and decide the same finally without fail on or before 07/05/2026.

(ROHIT W. JOSHI, J.)