

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION NEWASA
DIST. AHMEDNAGAR

(Presided over by : B.U. Choudhari)

Regular Civil Suit No. 822 of 2018

Fakir Mohamad Fattubhai Ors.

...Plaintiff

Vs.

Haidar Kadarbhai Sayyad Ors.

.... Defendants

Order below Exh.25

(Passed on 05.03.2019)

The plaintiffs have prayed for calling record and proceeding of Rasta Case No.11/2016 pending before Tahasildar, Newasa. This application Exh.25 has been opposed by the Ld.Adv.for the defendant by saying that the request made is misconceived. It is pertinent to note that the proceeding before Tahasildar, Newasa is also a statutory proceeding, as such, simply because the plaintiffs have filed suit in respect of suit way which may be the subject matter before the Tahasildar but that does mean that the Record and proceeding of Rasta Case No.11/2016 should be called for the purpose of hearing of the suit. The plaintiffs are called upon to prosecute the suit independent of what Tahasildar, Newasa decides in Rasta Case No.11/2016 because the remedy available before Tahasildar, Newasa is an *ad hoc* remedy whereas suit is in the nature of substantive remedy. Hence, the following order-

ORDER

- 1) Application (**Exh.25**) is rejected.
- 2) No order as to cost.

(B.U.Choudhari)

Civil Judge Senior Division, Newasa.

Date :-05/03/2019.