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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2300 OF 2021**

Krishnakant Dwarkaprasad Jhunjhunwala ... Petitioner

vs.

Sambhaji Dattatray Kharabai and Anr ... Respondents

Mr. R.S. Apte, Senior Advocate i/b. S.C. Wakankar, for Petitioner.

Mr. Milind Parab i/b. Deepak and Co., for Respondent no.1.

CORAM : GAURI GODSE, J.

DATED : 26th MARCH, 2024

P.C. :-

1. Heard.

2. Rule.

3. Mr. Parab waives notice on behalf of respondent no. 1. By the impugned order, the Maharashtra Revenue Tribunal has remanded back the matter to the Tahasildar, for fresh hearing on application dated 8th January 2015. By the said application, respondent No.1 had raised an objection that there is a breach of provisions of the Maharashtra Tenancy and Agricultural Lands Act in execution of sale-deed dated 10th June 1985, executed by his

grand-father in favour of the petitioner.

4. Learned senior counsel for the petitioner submits that on the face of it, the said application is time barred. He submits that the Maharashtra Revenue Tribunal though recorded all the findings in favour of the petitioner has remanded the matter back to the Tahasildar for fresh hearing without recording any valid reasons.

5. Learned counsel for respondent does not dispute that the application is filed by respondent on 8th January 2015, making grievance with regard to the sale-deed dated 10th June 1985.

6. Perusal of the application *prima-facie* indicates that the application is time barred as submitted by the learned senior counsel for the petitioner. He further submitted that respondent no.1 had filed a suit for similar relief which is dismissed by an order passed on the application filed under Order VII Rule 11 of the Civil Procedure Code for rejection of the plaint. In view of the aforesaid, during the pendency of the petition there will be ad-interim relief in terms of prayer clause (b) which reads as under:-

“b) Pending the hearing and final disposal of this Writ Petition, execution and operation of the Judgment and Order dated 22/02/2021 *passee din* Revision No. P-VI-1-2018 (B-57/2018) be to the extent of remand of the proceedings to the Tahsildar, Khed stayed.”

(GAURI GODSE, J.)