

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6140 OF 2016

Gaurishankar Govardhandas Todi (Since
Deceased) Through legal heirs Pramod
Gaurishankar Todi and Ors. .. Petitioners

Versus

Prabhavati Ramniklal Shah (Since Deceased)
Through Pratibha Shailesh Shah and Anr. .. Respondents

WITH

WRIT PETITION NO.6141 OF 2016

WITH

WRIT PETITION NO.6169 OF 2016

.....

- Mr. Sunil Kadam a/w. Mr. Sunny Yadav, Advocates for Petitioners.
- Mr. Pravin Samdani a/w. Mr. Aditya Shiralkar, Mr. Mani Thevar, Advocates i/by Ganesh & Co. for Respondent Nos.1a to 1c.
- Mr. Nimesh Bhatt, Advocate for Respondent No.2.

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 07, 2025

P.C.:

- 1.** Heard Mr. Kadam, learned Advocate for Petitioners; Mr. Samdani, learned Advocate for Respondent Nos.1a to 1c and Mr. Bhatt, learned Advocate for Respondent No.2.
- 2.** Matter is listed under the caption 'For Direction'.
- 3.** Mr. Samdani, learned Advocate appears for contesting Respondent Nos.1a to 1c.
- 4.** The impugned order before me is order dated 24.05.2016

passed by Maharashtra Revenue Tribunal upholding the order dated 11.04.2014 passed by Sub-Divisional Officer dismissing order in Tenancy Appeal filed by Petitioner before the Agricultural Land Tribunal (for short 'ALT').

5. I have impressed upon Mr. Kadam to justify the basis of Petitioner's tenancy in the subject premises. *Prima facie* he is not in a position to show to the Court whether Petitioners / their predecessors are / were purchasers or they are / were occupants and cultivators of the land on tillers day or whether they made any application for deemed tenancy under Section 32G or have paid the sale price fixed by the ALT or 32M Certificate issued in their favour or whether they are shown as holders in the Revenue Record. That apart, *prima facie* the issue of delay is also writ large on the face of record. Mr. Kadam has repeatedly stated that Petitioners are occupants of the subject land. Hence in what capacity will have to be shown by him to the Court.

6. Save and except on the issues on merits, I have requested him not to argue any other rhetoric which is not germane for determination of the present Writ Petitions.

7. In the meanwhile, ad-interim relief, if any granted earlier is directed to be continued.

8. At request of Mr. Kadam, stand over to **14th July, 2025**. To be placed under the caption '**First on Board**' and to be treated as '**Part-Heard**'.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

Digitally signed
by HARSHADA
HANUMANT
SAWANT
Date: 2025.07.07
18:30:37 +0530