

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1256 OF 2021

Pandurang Revappa Chavare and Anr.

.. Petitioners

Versus

Rahul Niranjan Bhakare and Ors.

.. Respondents

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- Mr. Sarang Satish Aradhye for the Petitioners
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CORAM : MILIND N. JADHAV, J.

DATE : MAY 02, 2022

P.C.:

1. Heard the learned counsel appearing for the Petitioners. None for the Respondents.

2. Respondents have filed a suit before the Civil Judge Junior Division, Pandharpur being Suit No. 367 of 2019 wherein the sole relief prayed for is challenge to the order dated 18.07.2019 passed by the Tahasildar in revenue proceedings, *inter-alia*, pertaining to disposal of the application for right of way filed by the Petitioners. If the Respondents were aggrieved with the same, they ought to have filed appropriate appeal before the appellate authority under the Maharashtra Land Revenue Code, 1966 against the order dated 18.07.2019 passed by the Tahasildar.

3. Hence Respondents will have to satisfy this Court on maintainability of the Suit before the Trial court, being the preliminary objection raised by the Petitioners. The Trial court passed the order dated 26.09.2019 below Exhibit-5 in favour of the Petitioners which has been set aside by the Appellate Court by the impugned order dated 20.12.2019.

4. Issue notice to the Respondents.

5. In addition to service of notice through Court, the Petitioners shall serve a private notice by Registered Post A.D. and/or by Court service and/or by hand delivery or by e-mail / fax on the Respondents.

6. Stand over to **6th June, 2022.**

[MILIND N. JADHAV, J.]