

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

**CIVIL APPLICATION NO.2623 OF 2014
IN
WRIT PETITION NO.9976 OF 2013**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.U.R.Awate, advocate holding for Mr.S.B.Talekar, advocate for the Petitioner.
Mr.S.R.Deshpande, advocate for the Respondent.

CORAM : S.V.GANGAPURWALA, J.

Date : 13.04.2015.

PER COURT :

1. Heard.
2. Vide the present application, the applicant seeks modification of order dated 13.1.2014, so also seeks deletion of prayer clause 'D' from the memo of Writ Petition No.9976/2013.
3. Mr.Deshpande, learned counsel for the Respondent submits that vide order dated 13.1.2014, this Court has observed that the proceedings are with regard to the mutation entries which are meant for fiscal purposes only. It is also observed by this Court that the plaintiff may establish his right in the competent Civil Court. The order is not passed with reference to any particular prayer clause.

In fact, the prayer clause 'D' in the memo of Writ petition is unconcerned with the gamut of dispute between the parties. The Writ Petition was filed basically challenging the order with regard to the mutation entries. The prayer clause 'D' in fact, was alien to the dispute between the parties.

4. In view of the above, it is clarified that this Court while disposing of Writ Petition No.9976/2013, has not dealt with prayer clause 'D'. If the petitioner has any other remedy available to the extent of prayer clause 'D', the petitioner may prosecute the same. To that extent the order passed in Writ Petition would not come in the way of the petitioner.

5. The Civil Application is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

Dt..13.04.2015.
asp/office/Ca2623.14

