

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5091 OF 2012

Prakash s/o Dattatray Kulkarni,
Age: 65 years, Occ: Advocate,
R/o. Subhash road, Vazirabad Nanded,
Tq. & Dist. Nanded.

...Petitioner

versus

1. Ramchandra s/o Bhagwanrao Deshmukh,
Age: 47 years, Occ: Business,
R/o. Vibha towers, In front of
multipurpose high school Vazirabad,
Nanded, Tq. & Dist. Nanded.
2. Prashant s/o Bhagwantrao Deshmukh,
Age: 39 years, Occ: Business,
R/o. As above.
3. Bhaskar s/o Sitaram Deshmukh,
Age: 71 years, Occ: Business,
R/o. As above.
4. The Deputy Director of Land Record
Aurangabad, Tq. & Dist. Aurangabad.
5. The Superintendent Land Record,
Nanded, Tq. & Dist. Nanded.

...Respondents

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Mr. Amol S. Gandhi, Advocate for petitioner.
Ms. S.S. Kulthe, Advocate h/f Mr. H. A. Joshi, Advocate for
respondent No. 2.

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CORAM : N.W. SAMBRE, J.

DATE : 18TH MARCH, 2015

ORAL ORDER :

. By way of present petition, the petitioner has prayed for

following relief.

“(B) By issuing appropriate writ/direction/order in the nature of writ, the Judgment and order dated 30/06/10 passed by the Deputy Director Land Record in Dispute No.3/L.R./Appeal/R.R. 917/07 Arises out of, order dated 5/4/07 passed by the Superintendent Land records, Nanded in File no. N.B/Appeal/SR-150/05, may be quash and set aside.”

2. It is the case of the petitioner that he is entitled for the relief as prayed in prayer clause cited supra based on two aspects; (a) the decision of the District Judge in his favour in Misc. Civil Application No. 71 of 2007 decided on 29/09/2008 and (b) the dismissal of Special Civil Suit No. 202 of 2006 in his favour by the order of Civil Judge, Senior Division.

3. So far as the order of the District Judge in Misc. Civil Application No. 71 of 2007 is concerned, the District Judge has recorded the findings that the present petitioner and respondents herein are legal representatives of deceased Godavaribai.

4. So far as the judgment in Special Civil Suit No. 202 of 2006 is concerned, I am informed at bar that the respondents have preferred an appeal before the District Judge and same was

confirmed in appeal by the District Judge, against which the second appeal is pending. In the said Judgment, Civil Court has dismissed the claim of the respondents wherein declaration of ownership and recovery of ownership in respect of the suit property was prayed.

5. Admittedly, the petitioner has not brought the judgment passed in Special Civil Suit No. 202 of 2006 to the notice of respondent authorities along with appropriate prayer.

6. In view thereof, in my opinion, the writ petition is not tenable, as such, stands dismissed.

7. However, the petitioner will be at liberty to prefer an application to respondent Nos. 4 and 5, based on the subsequent developments i.e. judgment in Special Civil Suit No. 202 of 2006.

[N.W. SAMBRE, J.]