

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7777 OF 2015

Smt. Kamal M. Shete and ors. .. Petitioners

vs.

Ramchandra S. Shete and ors. .. Respondents

Mr. Ruturaj P. Pawar for the Petitioners.

Mr. S.D. Rayrikar, AGP for Respondent Nos.2 to 6.

CORAM : M. S. SONAK, J.

DATE : 05 OCTOBER 2015.

P.C. :-

1] This petition challenges the order dated 22 August 2014, by which the State Government has allowed the Revision Application and set aside the order made by the Additional Commissioner on 25 June 2013 in the matter of entries in revenue record.

2] It is settled position in law that mere entries in revenue record are not determinative of title and right of the parties to the property in question. Therefore, it is not necessary to interfere with the impugned order. However, it is made clear that in case, the Petitioners institute a substantive Civil Suit in relation to their claim to the suit property, the Civil Court shall decide the same in accordance with law and on its own merits without being influenced by the orders made by the Revenue Authorities or the factum of non-entertainment of the present petition. Further, considering the

circumstance that the earlier order made by the Additional Commissioner was in favour of the Petitioners, though this Petition is not being entertained, the parties are directed to maintain *status quo* in respect of the revenue entries for a period of three months from today. It is however, made clear that in case the Petitioners institute a Civil Suit, the Civil Court to examine the matter afresh in the light of materials that may be placed before it by the respective parties and to decide the matter on its own merits and in accordance with law.

3] With the aforesaid observations and liberty, this Petition is disposed of.

4] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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CERTIFICATE

**“Certified to be true and correct copy of
original signed Judgment/Order.”**