

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4136 OF 2015

Babaji Jabaji Avti and ors. : Petitioners
versus
Smt. Sulochana Narayan Landge and anr. : Respondents.

Mr. Akshay Petkar for the Petitioners.
Mr. S D Rayrikar, AGP, for the Respondent No.2.

CORAM : R. M. SAVANT, J.
DATE : 22nd April 2015

P.C.

1 The order dated 9/3/2015 passed by the Additional Commissioner is taken exception to by way of the above Petition. By the said order the Application for stay filed by the Petitioners in the Appeal filed by them was rejected. The Petitioners had objected the entry made in favour of the Respondent No.1. The said objection was upheld by the Circle Officer and the Mutation Entry made in favour of the Respondent No.1 was cancelled. The Respondent No.1 thereafter filed an Appeal before the Sub Divisional Officer, Junnal who allowed her Appeal by the order dated 16/7/2012. The Sub-Divisional Officer based his order on the judgment rendered in the civil proceedings wherein it was held that the Respondent No.1 has ½ share in the property in question. The said order of the Sub-Divisional Officer was challenged by the Petitioners before the Additional Commissioner. The Additional Commissioner confirmed the order passed by the Sub-Divisional

Officer by his order dated 20/1/2015. The Petitioners thereafter have filed the Revision Application before the Additional Commissioner. By the impugned order the Additional Commissioner has refused to grant stay to the Petitioners.

2 In the background facts as stated herein before, the order passed by the Additional Commissioner cannot be faulted with as it is undisputed that in the civil proceedings the Respondent No.1 has been held to be entitled to the ½ share in the suit property. In that view of the matter, no case for interference is therefore made out. The above Writ Petition is accordingly dismissed. The learned AGP states that the Revision Application is posted for hearing on 8/6/2015. If that be so, the Revisionary Authority may hear and decide the said Revision Application expeditiously.

[R.M.SAVANT, J]