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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5908 OF 2013**

Amar Bharat Aiwale

... Petitioner

Versus

Bharat Gulab Vhalar and Ors.

... Respondents

Mr. Uday Warunjikar for the petitioner.

Mr. Dilip Shinde i/by Amol Mhatre for respondent no. 1, 2(1) to 2(4), 3(1) to 3(5), 4(1), 4(3) to 4(6).

Mr. Sandesh Patil for respondent nos. 5, 6, 7, 9, 11 to 19.

Mr. Prashant Jadhav for respondent nos. 21 to 26.

Ms. P.S. Cardozo, A.G.P. For respondent no. 27.

**CORAM : M.S. SONAK, J.
DATED : February 16, 2015**

P.C.

The challenge in this petition is to the order dated 15th March, 2013 made by the Additional Commissioner, Pune Division, Pune declining to interfere with the order dated 9th April, 2012 made by the Sub Divisional Officer in the matter of entries in the revenue records pertaining the suit property.

2. Mr. Warunjikar learned counsel for the petitioner submits that some time in the year 1967, the suit was instituted for partition which has

since been decreed. Since the suit property is an agricultural property, for the purpose of execution of the partition decree, the matter was referred to the revenue authorities. It is the case of the petitioner that he has purchased portion of the suit property from one of the co-owners of the same.

3. In view of the aforesaid position, it is not necessary to interfere with the impugned orders. This is because the entries in the revenue records are in no sense determinative of the title of the parties. Besides, it is always open to the petitioner to either institute a substantive civil suit or to seek appropriate relief in the pending execution proceedings or for that matter before the Civil Court once the final chart of partition is submitted before the Civil Court in pursuance of the decree of partition.

4. In such proceedings, obviously neither the impugned orders nor the circumstance of non entertainment of the present petition shall influence such authorities in deciding the matter and respective entitlements of the parties in accordance with the law.

5. With the aforesaid observations, present petition is disposed of.

6. It is clarified that this court has not addressed itself to the merits of the matter. Accordingly all issues are left open.

(M.S. Sonak,J.)