

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8110 OF 2015

Smt. Indubai D. Mate
since deceased by her heirs
Mrs. Aasha N. Tambe and ors.

.. Petitioners

vs.

Kalavati S. Kamathe and ors.

.. Respondents

Mr. Uday Warunjikar for the Petitioners.
Mr. R.P. Walwekar for Respondent Nos.1 to 5.

CORAM : M. S. SONAK, J.
DATE : 08 SEPTEMBER 2015.

P.C. :-

1] Although, there is substance in the contention raised by the learned counsel for the petitioners, considering that the matter pertains to correction of revenue entries, it is not necessary to entertain the present petition.

2] The entry which is now directed to be corrected was in fact made in the year 1984. The respondents instituted revision application under Section 257 of the Maharashtra Land Revenue Code, 1966 (Code) to challenge such entry in the year 2011. Initially, the application seeking condonation of delay was dismissed. Thereafter, in exercise of review jurisdiction, the same was granted, however, without afford of proper opportunity of hearing to the

petitioners. Upon remand by this Court, opportunity of hearing was given to the petitioners. On this occasion, the revisional authority has made a composite order, not only condoning the delay, but also allowing the revision application on merits.

3] In the aforesaid circumstance, although this petition is not being entertained, because it is merely relate to the entries in revenue record, it would be proper if the impugned order is stayed for a period of three months from today. In fact, the learned counsel for the respondents makes a statement that the impugned order will not be acted upon for a period of three months from today. In the meanwhile, it shall be open for the petitioners to institute a substantive suit before the Civil Court with regard to the suit property. Needless to add that any decision by the revenue authorities in matters of revenue entries, will not in any manner influence the Civil Court which is to decide the suit on basis of substantive rights of the parties.

4] With the aforesaid observations, this petition is disposed of. There shall be no order as to costs.

(M. S. SONAK, J.)

CERTIFICATE

“I certify that this Order uploaded is a true
and correct copy of original signed Order.”