

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4887 OF 2012

MOHAN S/O KISAN GAIKE AND ANOTHER PETITIONERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS RESPONDENTS

Mr.K.M.Nagarkar, Advocate for the petitioners.
Mr.D.R.Markad, Advocate for respondent Nos. 4 and 5.
Mr.V.G.Shelke, AGP for respondent Nos. 1 to 3.

(CORAM : RAVINDRA V. GHUGE, J.)
DATE : 10/02/2016

PER COURT :

1. RCS No.330/2006 preferred by the petitioners has been dismissed. Reg.Civil Appeal No.269/2012 filed by the petitioner and Reg.Civil Appeal No.347/2012 filed by respondent Nos. 4 and 5 are pending adjudication.

2. Issue raised in this petition is with regard to the mutation entries.

3. I have heard the learned Advocates for the petitioners and the respondents.

4. It is trite law that mutation entries are meant only for fiscal

purposes. A mutation entry neither decides the right or title of a party nor the interest of a party in any property. (Shrikant R.Sankanwar and others Vs. Krushna Balu Nowkundhar [2003(3) BCR 45]).

5. Since I find that the claims of the litigating sides as regards their right, title and interest in the suit property is subjudice in the above mentioned two appeals, ends of justice would be met by permitting the litigating sides to espouse their cause in the pending appeals and co-operate with the Appeal Court for the expeditious disposal of the said appeals.

6. As such, this petition is disposed of. It is expected that both the two appeals mentioned above would be decided expeditiously by the Appeal Court with the co-operation of the litigating sides. Orders, if any, passed by the Appeal Court with regard to the suit property, shall be continued till the disposal of the appeals.

(RAVINDRA V. GHUGE, J.)