

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8242 OF 2013

KASTURABAI PRABHAKAR JONDHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Rathod Abhay R.
AGP for Respondents 1 & 6 : Shri Basarkar A.P.
Advocate for Respondents 2 to 4 : Shri Narwadkar M.D.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 18, 2016
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PER COURT :-

1. The petitioner is aggrieved by the mutation entry with regard to the land Gut No.92 at village Mauje Kiroda, Tq. Loha, District Nanded.
2. I have heard the learned Advocates for the respective sides for quite sometime.
3. The petitioner claims to be in possession of the land at issue and also claims to have a title over the property.
4. There is no dispute that the petitioner had preferred Special Civil Suit No.9 of 2006 with regard to the same land Gut No.92, claiming title over the suit property. The said suit has been dismissed on 30.6.2011. First Appeal No.3372 of 2011 was preferred before this Court. On account of the enhancement in the pecuniary jurisdiction of the District Court, same has been transferred to the Additional District Judge, Kandhar, District Nanded, and is pending adjudication.
5. This Court in the matter of Shrikant R. Sankanwar and Ors. Vs. Krishna Balu Naukudkar [2003 (3) Bom.C.R. 45], has laid down the law that mutation entries are purely revenue entries meant for fiscal purposes / taxation. Mutation entries do not decide the right, title or interest of any

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2
WRIT PETITION NO. 8242 OF 2013

person in the property at issue. The right, title and interest over a property can be decided only by the Civil Court and the mutation entries shall always be subject to the result of the civil court proceedings and not vice versa.

6. Considering the fact that the suit preferred by the petitioner has been dismissed on 30.6.2011 and the appeal against which judgment is pending before the learned Additional District Judge, Kandhar, District Nanded, ends of justice would be met by observing, in the light of the decision in the case of Shrikant (supra), that the mutation entries at issue in this petition shall be subject to the result of the appeal proceedings pending before the learned Additional District Judge, Kandhar, District Nanded.

7. With the above observations, this petition is disposed off.

(RAVINDRA V. GHUGE, J.)

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