

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**WRIT PETITION NO.1691/2012**

Sopan Balaji Dighe.

...Petitioner..

**Versus**

Sunil Jijabhau Pawade & others.

...Respondents...

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**WRIT PETITION NO.3795/2012**

Sopan Balaji Dighe.

...Petitioner..

**Versus**

Julian James Brahmane & others.

...Respondents...

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Shri V.S. Bedre, Advocate for petitioner.

Shri S.K. Shinde, Advocate for respondents.

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**CORAM: RAVINDRA V. GHUGE, J.**

**DATE: 08.03.2016**

**ORDER :**

1] I have heard the learned Advocates for the respective sides for quite some time.

2] Both these petitions arise out of mutation

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entries and orders in relation to the crop inspection (Pik Pahani).

3] This Court in the matter of *Shrikant R. Sankanwar & others v. Krishna Balu Naukudkar* (2003 **Mh.L.J., 276**) has concluded that revenue entries in the nature of mutation entries are meant only for fiscal purposes and are of assistance with regard to imposing of taxes. They do not decide the right, title or interest of any party on the property. This Court has further held that the right, title or interest to a property can be decided only by the competent Court in a civil suit and the conclusions of the trial Court in further litigation would bind the revenue authorities and the revenue entries would be subject to the decision in the civil suit.

4] It is not disputed that Regular Civil Suit No.284/1999 filed by the petitioner has been dismissed by the judgment of the trial Court on 10.2.2014. Shri Bedre, learned Advocate for the petitioner, submits that the Regular Civil Appeal No.256/2014 is pending before the appellate Court. He does not dispute that the issues involved in these petitions would always be subject to

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the result of the appeal proceedings considering the fact that the suit has been dismissed.

5] In the light of the above, ends of justice will be met by observing that the revenue entries shall be subject to the result in the pending civil appeal. No interference is, therefore, called for in the impugned orders. Both these petitions are, therefore, dismissed.

6] Pending Civil Application No.4087/2014 in Writ Petition No.3795/2012 for condonation of delay of 269 days, for setting aside order of dismissal as against respondent nos.1,4,5,7,11,16,19 & 25 and for deleting their names, is allowed and disposed of.

**(RAVINDRA V. GHUGE, J.)**