

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

WRIT PETITION NO. 9546 OF 2016

Shaikh Pasha Fakroddin

..PETITIONER

VERSUS

Arefa Begum Kazi Ikamoddin and Others

..RESPONDENTS

....
Mr. P.N. Kalani, Advocate for petitioner.

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**CORAM : T.V. NALAWADE, J.
DATED : 28th NOVEMBER, 2016**

ORDER :

1. The petition is filed to challenge the order made by District Judge, Parbhani on Exhibit 17 in Regular Civil Appeal No. 97 of 2014.

Heard learned Counsel for petitioner.

2. Appeal is filed by present petitioner – original defendant of Regular Civil Suit No. 23 of 2009. Suit was filed by sisters of the present petitioner for relief of partition and possession of their share in the property left behind by their father. The present petitioner has denied the relationship with the plaintiffs. He also contended that property was transferred by him to others. Now he wants to produce mutation to show

that he has transferred the property to others when the property was mutated in his name after the death of his father.

3. In view of the nature of the case of the plaintiff and nature of defence taken, this Court holds that mutation will not have any effect on the proceeding of the suit. This Court holds that it is not possible to interfere in the order made by the District Court by which the petitioner is not allowed to produce the copy of mutation. Petition stands disposed of.

(T.V. NALAWADE, J.)

SSD