

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1775 OF 2013

Shri Hanumant Bhagwan Hole & Ors. .. Petitioners
vs.
Girajabai Shivram Chormale,
since deceased through L.Rs.
Bhiva Shivram Chormale & Ors. .. Respondents

Mr. Abhijit P. Kulkarni for Petitioners.
Mr. Shriram S. Kulkarni for Respondent Nos. 1-A and 1-B.

CORAM : M. S. SONAK, J.
DATE : 20 JUNE 2016

P.C :

1] The challenge in this petition is to the order dated 31 December 2012 made by the Additional Commissioner, Pune Division, Pune, by which the revision instituted by the respondent no. 1 came to be allowed.

2] These proceedings concern entries in revenue records. Mr. Abhijit Kulkarni, the learned counsel for the petitioner submits that the authorities under the Maharashtra Land Revenue Code, 1966 (Code) are not empowered to adjudicate upon the rights and title of the parties to immovable properties. Further, he also placed reliance upon the decision of this Court in the case of ***Shrikant R. Sankanwar & Ors. vs. Krishna Balu Naukudkar***¹, in which, it has

¹ 2003 (2) Mh.L.J. 276

been held that entries in revenue records are basically for revenue purposes and they do not by themselves constitute title to the property in favour of any person.

3] There is no difficulty in accepting the submissions made by Mr. Abhijit Kulkarni. However, even upon acceptance of such submission, there is no necessity to interfere with the impugned order, because the same relates only to entries in revenue records. It is well settled that mere entries in revenue records are not determinative of the rights and title of the parties to immovable properties. The decision relied upon by Mr. Abhijit Kulkarni squarely supports this proposition.

4] That apart, the petitioners have rightly instituted regular civil suit no. 127 of 2014 before the Civil Judge, Junior Division, Daund, Pune in the matter of their claims to title and rights to the suit property. Mr. Abhijit Kulkarni has not only placed on record the plaint in the said suit but, has further pointed out that the interim order has also been made in the said suit. If this be so, then, the petitioner's alleged rights have been *prima facie* protected up to this stage. There is accordingly, no necessity to entertain the present petition.

5] Mr. Shriram Kulkarni, the learned counsel for the respondent

nos. 1-A and 1-B also points out that the respondents whom he represents have also instituted suit in relation to the same property. This is also an additional reason as to why this petition need not be entertained. Both the parties are at liberty to obtain determination of their disputes with regard to title etc. in the said two civil suits, which are stated to be pending.

6] Accordingly, the present petition is dismissed. However, it is made clear that such dismissal is mainly because of the pendency of the aforesaid suits and further that the orders made by the revenue authorities in the matters of mutation of entries, are, not relevant for the purposes of deciding issues of title. Accordingly, the Civil Courts are directed to dispose of the suit on their own merits and in accordance with law without in any manner, being influenced by any orders made by the revenue authorities which form the subject matter of the present petition or the circumstance that this petition is being dismissed by this Court.

7] This petition is accordingly disposed of in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)