

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2475 OF 2016

Office Notes, Office
memorandum of Coram,
appearance, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. Niyaz Ahmed for the petitioner.

Mr. S.D. Rayrikar for respondent nos. 2 & 3.

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CORAM : M. S. SONAK, J.**DATE : 25.02.2016.****P.C. :-**

1. Not on board. Upon production taken on board.
2. There is no case made out to interfere with the impugned order. This is because the impugned order merely relates to mutation entries in survey records. The settled position in law that mere entries in survey records are not determinative title of the parties to the suit property. Besides, the petitioner has already instituted Special Civil Suit No. 346 of 2014 in the court of Civil Judge Senior Division at Kalyan, in the context of certain frauds, which he alleges, have been committed by the respondents as also, in the context of the title of the petitioner to the suit property.
3. It is however, made clear that the Civil Court will decide the Civil Suit

instituted by the petitioner un-influenced by any observations made in the orders made by the Revenue Authorities, including inter alia the orders which is impugned in the present petition. It is also made clear that the Civil Court will not permit itself to be influenced by the circumstances that this petition is not being entertained by this Court. For the aforesaid reason, this petition is disposed of. There shall be no order as to costs.

(M.S. SONAK, J.)