

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.894 OF 2016

Smt. Kashibai Chahya Patil (Deceased)]
 through her legal heirs.] ... Petitioners

Versus

Shri Dilip Keshrimal Mehta and Ors.] ... Respondents

Mr. Ram S. Pandit a/w Mr. Rahul Pandit & Mr. Premanand Torne for
 Petitioners.

Mr. S. A. Sawant for Respondent Nos.1 and 2.

Mrs. Vaishali Nimbalkar, AGP for Respondent Nos.3 to 5.

CORAM :- M. S. SONAK, J.

DATE :- MARCH 03, 2016

P. C. :-

1. There is no necessity to entertain the present petition because the same concerns order dated 29/10/2015 made by the Minister (Revenue) in the matter of mutation of certain entry in the revenue record.

2. It is settled position in law that entries in revenue record are not determinative of title of the party to the suit property. Besides, the petitioners have instituted Regular Civil Suit No.104 of 2008 in the Court of Civil Judge Junior Division at Pen which is pending

consideration. The respondents in this petition are also parties to the said suit. Therefore, the issues of title will naturally be decided by the Civil Court in the suit civil suit or such other proceedings which the petitioners may choose to take out before the Civil Court.

3. It is, however, clarified that the Civil Court need not be influenced by any observations made by any revenue authority, including the Minister (Revenue), whilst deciding and disposing of the said civil suit. Further, the Civil Court also need not be influenced by the circumstance that this petition is not being entertained by this Court.

4. With the observations as aforesaid, this petition is disposed of. There shall be no order as to costs.

5. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)