

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 794 OF 2015

Shridhar Yashawant Dhumal (Deceased)
Through L.Rs. Kusum Shridhar Dhumal
and another

.. **Petitioners**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Vinay B. Anjanwatikar, Advocate for the Petitioners.
Shri S. W. Mundhe, A.G.P. for Respondent No. 1.
Shri R. D. Biradar, Advocate for Respondent Nos. 2 and 3.

CORAM : **S. V. GANGAPURWALA, J.**

DATE : **14th December, 2017**

PER COURT :

1. I have heard Mr. Anjanwatikar, learned advocate for the petitioners and Mr. Biradar learned advocate for the respondent Nos. 2 and 3.
2. The dispute is with regard to the mutation entry in respect of land Survey No. 145 and 148.
3. The appeal and revision filed by the present petitioners against the order sanctioning the mutation entry in favour of respondent is dismissed.

4. It is stated that a civil suit bearing R.C.S. No. 35/2005 was filed by present respondent No. 2. The said suit is dismissed. However, it is observed by the learned Judge that plaintiff is having share in Survey No. 145 and 148. It is submitted that appeal against the said Judgment is pending. The decision in the suit is dated 7th December, 2013. Whereas the commissioner has dismissed the Revision prior to the decision of the civil suit. The appeal filed by the respondent No. 2 against the Judgment and decree passed in the civil suit is pending.

5. It is trite that entries in the revenue record are meant for fiscal purposes and the said entries would always be subject to the decision in the civil proceedings between the parties.

6. As the appeal is still pending before the Civil Appellate Court, I dispose of the writ petition by observing that the mutation entry sanctioned in favour of the respondent No. 2 would be subject to the decision rendered by the civil court in the pending civil proceedings.

7. The writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]