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

902 WRIT PETITION NO. 45 OF 1998

PANDURANG BHANUDAS NARWADE & ORS
VERSUS
KESHARBAI BHANUDAS NARWADE AND ORS.

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Mr. L.V. Sangit, Advocate for Petitioners.

Mr. S.K. Tambe, AGP for Respondent Nos. 2 to 6/State.

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 21st DECEMBER, 2017.**

PER COURT:-

1. The issue involved in this Petition is with regard to a mutation entry No.1970, which was challenged by respondent No.1. by Kesharbai Bhanudas Narwade.

2. The Petitioner has put forth prayer clause 14(A) which reads as under:

"(A) That, the record and proceedings of the judgment and order, dated 31.7.1996 passed by Additional Collector, Aurangabad Region, Aurangabad in Appeal No.95/MLRC/CR/70 as confirmed by the order, dated 28.10.1997 passed by Additional Commissioner, Aurangabad Region, Aurangabad in Revision Case No.95-REV/R/70 against the order dated 7th September 1995 passed by Sub Divisional Officer, Aurangabad Region, Aurangabad, in Case No.95/MAG/ROR/CR/32 be called for and after examining the legality, validity and propriety thereof, the order, dated 31.7.1996 passed by Additional Collector, Aurangabad in Appeal No.95-Appeal-MLRC-

CR-70 as confirmed by the order, dated 28.10.1997 passed by Additional Commissioner, Aurangabad Region, Aurangabad in Revision No.96/REV/R/70, be quashed and set aside and the judgment and order, dated 7.9.1995 passed by Sub Divisional Officer, Aurangabad Region, Aurangabad in Case No.95/MAG/ROR/CR/32, be stayed with costs cancelling the mutation Entry No.1970 recorded on 12.7.1994 in respect of land Gat No.107 of village Hiradpuri, Tq. Paithan, Dist. Aurangabad."

3. Considering the law applicable and the subsequent events that have occurred during the pendency of this petition in between the litigating sides, I am not required to advert to the entire contentions of the petitioner.

4. Though this matter was adjourned on several occasions, none appears for respondent No.1. The learned counsel for the petitioners submit that recently respondent No.1 has passed away.

5. Issue is with regard to the legality of the Mutation Entry No.1970. This Court in the matter of **Shrikant R. Sankanwar and Ors. Vs Krishna Balu Naukudkar, reported in 2003(3) BomCR 45, 2003 (2) MhLj 276**, has laid down the law that as mutation entries are meant only for taxation purposes, they decide neither the rights of the parties nor the title of any party with regard to the property mentioned in the mutation entry. It is only the Civil Court which, by its

adjudicatory process, can decide the right, title and interest of any litigating side with regard to the suit property. As such, it is concluded that the verdict of the Civil Court will bind the Revenue Authorities and the mutation entries will have to be in tune with the judgments/verdict of the Civil Court and not vice-versa.

6. Respondent No.1 had initiated Regular Civil Suit No.75 of 1995 seeking injunction against the petitioner regarding Gut No.107. As such, the issue as to who holds the title to the suit property and is lawfully in possession, was being adjudicated upon by the Civil Court.

7. This Court had ordered on 07.11.2017, that the status report with regard to the Regular Civil Suit No.75 of 1995 be placed on record. The status report placed on record by the Assistant Registrar of this Court after receiving the same through the concerned Court from Paithan, indicates that the suit filed by respondent No.1 claiming a right over the property and seeking injunction against the petitioners, has been dismissed by judgment dated 07.10.2002. Consequentially, the claim put forth by Respondent No.1 is negated by the Civil Court.

8. Considering the above and as Respondent No.1 has passed away, this petition stands abated. Nevertheless, the petitioner would be at liberty to seek correction in the mutation entry based on the judgment delivered by the trial Court on

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07.10.2002 in Regular Civil Suit No.75 of 1995 or any other proceedings in connection with the said suit. Needless to state, the impugned orders have lost their effect in view of the dismissal of the suit and the law laid down in Shrikant R. Sankanwar (supra).

(RAVINDRA V. GHUGE, J.)

Sameer/Dec-17