

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

WRIT PETITION NO. 696 OF 2015

Vitthal Munjaji Kharate

.. Petitioner

Versus

Hari Bhiwaji Kharate since
deceased through his L.Rs.
Kaveribai @ Laxmibai Munjaji
Salve and others

.. Respondents

Shri R. S. Deshmukh, Advocate for the Petitioner.

Shri P. C. Mayure, Advocate h/f Shri P. S. Agrawal, Advocate for
Respondent Nos. 1A, 1B, 2 and 3.

Mrs. R. P. Gaur, A.G.P. for the Respondent No. 4.

CORAM : S. V. GANGAPURWALA, J.

DATE : 13TH DECEMBER, 2017.

FINAL ORDER :

. The petitioner had challenged the mutation entry by filing an appeal. There was delay of 31 years in filing the appeal. Application for condonation of delay is rejected. Appeal and revision filed against said order is dismissed. Aggrieved thereby present writ petition.

2. Mr. Deshmukh, the learned counsel for the petitioner submits that, the authorities ought to have considered that, the matter requires to be decided on merits. The authorities have

power to condone the delay. The subject matter of dispute is mutation entry. Father of the petitioner was protected tenant. The respondent Nos. 1, 2 and 3 got sanctioned mutation entry No. 383 by showing them as legal heirs of Munjaji. When in fact, pursuant to adoption, the petitioner became real son of Munjaji. After becoming major, the petitioner collected documents and thereafter filed the appeal along with application for condonation of delay. The Court below has not considered the same in its proper perspective.

3. We have heard the learned advocate for respondents.

4. The mutation entries are only meant for fiscal purposes. It is submitted by the learned counsel for respondents that, the civil suit is also pending.

5. The revenue entries are always subject to decision in the proceedings by the Civil Court. The delay was almost of 31 years.

6. The mutation entries would be subject to decision of civil suit pending between the parties. With these observations, the writ petition is disposed of. No costs.

[S. V. GANGAPURWALA, J.]