

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7152 OF 2016

ABHIMAN GANGARAM PATIL AND OTHERS
VERSUS
BHATULAL BHAGA PATIL AND OTHERS

Advocate for Petitioner : Smt. S.B. Warma
h/f. Shri B.R. Warma.

Advocate for Respondent No. 1 : Shri M.V. Bhamre.
AGP for Respondent Nos. 2 to 4 : Shri N.T. Bhagat.

CORAM : RAVINDRA V. GHUGE, J.
Dated : 14th June, 2017

PER COURT :-

1. The petitioners are aggrieved by the order dated 08/06/2016, passed by Trial Court, by which, the petitioners' application Exhibit 23, praying for framing of a preliminary issue in R.C.S. No. 223/2013, has been rejected.

2. I have heard the learned advocates for the respective sides for quite some time.

3. There is no dispute that if the mutation entries are

questioned before the Civil Court in a Civil Suit, such a challenge would not be entertainable against Revenue Officers under Section 158 of the Maharashtra Land Revenue Code, 1963.

4. Learned counsel for the petitioners has strenuously canvassed that the pleadings of the respondent / original plaintiff in paragraph No. 6 and 7 of the plaint would indicate that he is aggrieved by the mutation entries and has prayed for setting aside the mutation entries.

5. Learned counsel for the respondent No. 1 submits that the plaintiffs are neither challenging the mutation entries Nos. 203, 204 and 230, nor are they seeking any reliefs against such mutations. It is, therefore, stated that the observation of the Trial Court in the impugned order that the plaintiffs are not challenging any mutation entries, is a correct observation and the plaintiffs do not intend to assail the mutation entries in the said pending suit.

6. Considering the above, it is obvious that the Trial Court, while deciding the suit, would not entertain any challenge to the mutation entries, in the light of the above.

7. As such, the impugned order does not call for any interference. The Writ Petition is, therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

S.P.C.