

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

WRIT PETITION NO. 13733 OF 2017

SAYYAD HUSSAIN SAYYAD NOOR AND OTHERS
VERSUS
NAGORAO VENKATRAO KANHEGAONKAR AND
OTHERS

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Advocate for Petitioners : Mr Dalal Arun G

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CORAM : V.K. JADHAV, J.

Dated: November 27, 2017

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PER COURT :-

1. I find no substance in this writ petition.
2. By filing an application Exh.36 in R.C.S. No.98/2013 the petitioner has prayed for framing of an additional issue as to “Does the plaintiff prove that Tahsildar Kalamnuri had transferred the suit land in favour of Venkatrao s/o Hanmantrao Kanegaonkar”, illegally.
3. Petitioner-plaintiff has instituted the suit for declaration and for recovery of possession in respect of the suit land. Trial court has already framed the relevant issues in light of the pleadings of the parties.

aaa/-

Though, petitioners-plaintiffs have pleaded in paragraph no.13 of the plaint that defendant no.9 Tahsildar had transferred the suit property agricultural land in the name of one Venkatrao Kanhegaonkar illegally without any sale deed and before the execution of the decree passed in Special Civil Suit No.43/1968, only on the basis of said facts it is not at all necessary to frame issue pertaining to the order passed by the Tahsildar. The revenue authorities are bound to follow the decree passed by the Civil Court. Trial Court has rightly concluded that such framing of an additional issue as per the prayer made in the application Exh.36 is unwanted and uncalled for. I do not find any fault in the impugned order. Writ Petition is devoid of any merits, same is dismissed. No costs.

(V.K. JADHAV, J.)

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