

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9907 OF 2013**

**Neminath Constructions through its partner
Mahendra Amichand Jain**

..Petitioner

Vs.

**Indu Dagadu Waykar @ Indumati
Ramakant Sawant & Ors**

..Respondents

Mr. P. D. Dalvi for the Petitioner

**Mr. S. C. Naidu a/w Mr. T. R. Yadav i/b Mr. Aniketh Poojari for the
Respondent Nos.1, 2A to 2E.**

Mr. S. L. Babar AGP for the Respondent Nos.8 & 9

**CORAM : R. M. SAVANT, J.
DATE : 3rd FEBRUARY, 2017**

P.C.

1 The order dated 5-8-2013 passed by the Sub Divisional Officer (SDO) Pune, Division Pune, is taken exception to by way of the above Petition. By the said order, the SDO has granted status-quo in respect of the property in question.

2 The dispute before the SDO is in respect of the mutation entries being Nos.376, 472, 723, 738 and 742 effected in favour of the Petitioners and the Respondent No.6 herein. The said mutation entries have been effected on 15-4-1983 and thereafter the Respondent Nos.1, 2A to 2E have filed an Appeal against the said mutation entries before the SDO Panel. It is not necessary to delve into the contentions urged on behalf of the Petitioner by the Learned

Counsel Mr. Dalvi in view of the consensus that is reached between the parties.

In view of the said consensus, the following order is passed:

- (i) That the impugned order dated 5-8-2013 stands quashed and set aside.
- (ii) The Respondent Nos.1, 2A to 2E would be entitled to file an application for stay of the mutation entries before the SDO Panvel. If such an application is filed, the SDO would consider the same on its own merits and in accordance with law, uninfluenced by the impugned order dated 5-8-2013.
- (iii) The application for condonation of delay which is pending before the SDO i.e. the Respondent No.10 herein, since the year 2013, is directed to be heard and decided on or before 31-3-2017.
- (iv) To facilitate the Petitioner filing of an application for stay, the injunction granted vide order dated 5-8-2013 would continued up to 17-2-2017.

3 With the aforesaid directions, the Writ Petition is disposed of.

[R.M.SAVANT, J]