

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

WRIT PETITION NO. 63 OF 2018

Chhallibai Raghunath Jadhav & Ors. ... Petitioners

VERSUS

Upper Commissioner, Nashik & Ors. ... Respondents

.....
Mr Paresh B. Patil, Advocate for the petitioners
Mr G. O. Wattamwar, AGP for respondents No. 1 to 3
.....

CORAM : MANISH PITALE, J.
DATE : 03RD SEPTEMBER, 2018.

PER COURT :-

1. Heard Mr Paresh B. Patil, learned counsel for the petitioners and Mr G. O. Wattamwar, learned AGP for respondents No. 1 to 3.

2. By this writ petition, the petitioners have challenged the order dt. 26.02.2009 passed by the Additional Commissioner, Nashik Division, Nashik, whereby the revision application filed by the petitioners stood dismissed. An explanation for the delay of more than eight years is sought to be given in para 13 of the writ petition. The said explanation is not at all satisfactory and, therefore, the writ

petition deserves to be dismissed on the ground of delay and laches itself.

3. A perusal of the impugned order shows that, the dispute raised by the petitioners in the present case concerns mutation entries made in respect of immovable property. The petitioners claim that, the mutation has been correctly made by the authority on the basis of a decree passed in RCS No. 34/2002. The impugned order shows that the said decree is subject matter of challenge before the appellate court wherein stay of the decree has been granted. Apart from this, it has come on record that there is another suit filed by the contesting respondent bearing RCS No. 187/2005, wherein it is contended that the decree passed in RCS No. 34/2002 is not binding on the contesting respondents. In that view of the matter, the fate of the Mutation Entry would be decided subject to the outcome of the proceedings before the Civil Court and the appellate court. On this ground also, the impugned order does not deserve any interference.

4. In the light of the above, the present writ petition is dismissed.

[MANISH PITALE]
JUDGE

Punde