

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

WRIT PETITION NO. 8312 OF 2017

ANKUSH RAMRAO KUNDGIR
VERSUS
MASHNA RAMRAO KUNDGIR AND OTHERS

...
Advocate for the Petitioner : Shri Paranjape Prakash S.
Advocate for Respondents 1 to 3 : Shri Gunale Prakash G..
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 26th November, 2018

Per Court:

1 I have heard the learned Advocates for the respective sides. Both have canvassed a legal submission, which is identical, that revenue entries are meant only for fiscal purposes and would not decide the right, title or interest of any litigant. Such rights or title of an individual would be decided in civil litigation. The wife of the Petitioner has preferred RCS No.82/2009 and Respondent Nos.1 to 3 have preferred RCS No.54/2010. It is, therefore, jointly submitted that the rights of individual parties would be decided in such civil litigation.

2 The submissions of the learned Advocates recorded as above, are in tune with the law laid down by this Court in the matter of *Shrikant R. Sankanwar and others vs. Krishna Balu Naukudkar, 2003 (3) BCR*

45. The law crystallized would squarely apply to this proceeding.

3 In view of the above, this Writ Petition is disposed of with the observation that all the impugned orders pertaining to the revenue entries, shall be subject to the decision in the pending civil litigation. The result of the pending civil litigation would decide the right, title and interest of the litigating sides and the conclusions of the civil court would bind the Revenue Authorities, who would then comply with the directions emerging from the civil litigation for making proper mutation entries. So also, if any changes in the mutation entries have occurred on account of the last order impugned in this petition dated 02.05.2017 delivered by the State, such changes would also be subject to the result in the civil litigation.

4 The learned Advocates appearing for the respective sides submit that neither of the sides would create third party interest or alienate the suit properties or would encumber thereon, until the final disposal of the civil litigation.