

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9112 OF 2017

Pandurang Ramchandra Shelar .. Petitioner
Vs.
State of Maharashtra through its Secretary & Ors. .. Respondents

Mr.Ajay Joshi for the petitioner.
Ms.Geeta Sonawane, AGP for the respondent nos.1 to 5.
Mr.Surel Shah for the respondent no.6.

CORAM : R.D. DHANUKA, J.
DATE : 20th June 2018

P.C.:

. It is not in dispute that the respondent no.6 has already filed a civil suit inter alia praying for declaration that the respondent no.6 is the owner of the property in respect of which the mutation entry was entered in the name of that party. This Court has already granted ad-interim relief in this petition on 16th March 2017.

2. In my view, the said ad-interim relief can be continued during the pendency of the civil suit filed by the respondent no.6 before the Civil Court. Mutation entry would be subject to the outcome of the civil suit filed by the respondent no.6.

3. I therefore pass the following order :-

(i) Ad-interim relief granted by this Court on 16th March 2017 to continue during the pendency of Special Civil Suit No.86 of 2008 before the Civil Judge, Senior Division, Pandharpur.

- (ii) Mutation entry in question shall be subject to the outcome of the civil suit filed by the respondent no.6.
- (iii) It is made clear that civil Court shall decide the said civil suit without being influenced by the observations made and the conclusions drawn in the impugned order dated 27th February 2017 passed by the respondent no.1.
- (iv) Writ petition is disposed of in aforesaid terms. No order as to costs.
- (v) Parties to act on the authenticated copy of this order.

R.D. DHANUKA, J.