

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

WRIT PETITION NO.11761 OF 2019

VIRBHAN RAMA PAWAR
VERSUS
ISHWAR CHINTAMAN JAGTAP AND OTHERS

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Advocate for the Petitioner : Shri Tope Sambhaji S.
AGP for Respondents 8 to 12 : Shri S.R.Yadav

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 24th September, 2019

Per Court:

1 The petitioner is aggrieved by the order of the Additional Divisional Commissioner, Nashik dated 21.09.2018 by which, he has interfered with the mutation entry in favour of the petitioner and has quashed the order of the Additional Collector dated 31.03.2018.

2 The learned advocate for the petitioner points out that the respondents had preferred RCS No.165/2014 before the Civil Court seeking cancellation of the sale deed in favour of this petitioner by which, he had become the owner of the suit property. By the judgment dated 25.04.2018, the Trial Court has dismissed the suit filed by the respondents.

3 The learned advocate for the petitioner informs that the

application for condonation of delay has been filed by the original plaintiffs while preferring the regular civil appeal. Delay has been condoned. No interim relief is granted to the said plaintiffs.

4 I find that the case of the petitioner would be covered by the judgment delivered by this Court in ***Shrikant R. Sankarwar and others vs. Krishna Balu Naukudkar, 2003 (3) Bom. C.R. 54*** wherein, it has been held that the decision of the Trial Court would bind the revenue authorities and the revenue entries would depend on such judgment.

5 The petitioner has a statutory remedy of approaching the State Government by filing a second revision in the light of the judgment delivered by the Honourable Supreme Court in the matter of ***Gurudassing Nawoosing Panjwani vs. State of Maharashtra and others, 2016 (2) SCC 213 : 2015 (6) Mh.L.J. 915 (SC)***.

6 In view of the above, this Writ Petition is disposed off with liberty to the petitioner to prefer a second revision. The petitioner is at liberty to file an application for interim relief in view of the law laid down by this court in ***Shrikant Sankarwar (supra)***.