

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

33 WRIT PETITION NO.12531 OF 2019

ASHOK RAMLING MORE
VERSUS
SUNDARABI BANKATRAO MANDHAE THROUGH GPA BHAGWANDAS
HANUMANDAS BHANDARI AND OTHERS

...
Advocate for Petitioner : Mr. D. A. Mane h/f
Mr. Milind Patil
Advocate for Respondent No.1 : Mr. N. R. Pawade h/f
Mr. A. P. Ghumare
AGP for Respondent Nos. 2 and 3 : Mr. N. T. Bhagat
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CORAM : RAVINDRA V. GHUGE, J.

DATED : 14th OCTOBER, 2019.

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PER COURT :

1. I have heard the learned advocates for the respective sides. Considering the order that I am passing, I am not required to advert to their entire submissions.

2. The litigating sides are before the first appellate Court in RCA No. 68 of 2015. The petitioner / plaintiff, who is the appellant before the first appellate Court, has already concluded his arguments. The matter is posted on 16.10.2019 for the respondent to advance final arguments. Issue of the sale deed dated 25.06.2004 is a subject matter of the pending appeal and if the petitioner succeeds, the sale deed is likely to be set aside. If

respondent No.1 succeeds, the sale deed would be sustained.

3. Matter before the Additional Divisional Commissioner is with regard to mutation entries based on the said sale deed.

4. This Court has laid down the law in Shrikant R. Sankanwar and others Vs. Krishna Balu Naukudkar, 2003(3) BCR 45 that mutation entries do not decide the right or title of any claimant. It is only the Civil Court which decides such rights and once the Civil Court delivers its verdict, the revenue authorities would be bound by such verdict and the mutation entries would be entered in tune with the decision of the Civil Court.

5. In view of the above, this petition is disposed off by directing respondent No.1 to advance his oral final submissions before the appellate Court on 16.10.2019 in RCA No. 68 of 2015 and shall not seek an adjournment.

6. The first appellate Court shall deliver its judgment in the said appeal on or before 15.11.2019. Copy of the said judgment would then be placed before the Additional Divisional Commissioner, Aurangabad in the pending proceedings in which the impugned order dated 30.08.2019 was passed.

7. Until the decision of the Additional Divisional Commissioner which shall be after the first appellate Court decides RCA No. 68 of 2015, the parties shall maintain status-quo as existing today, the revenue authorities would not proceed with the dispute between the parties any further and the parties shall not create third party interest or encumbrances in the properties at issue.

(RAVINDRA V. GHUGE, J.)

vsm/-