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

WRIT PETITION NO. 5708 OF 2019

Shri. Macchindra Ramchandra GolePetitioners
and others

V/s.

Shri. Mahavir Baburao DigambareRespondents
and others

**WITH
WRIT PETITION NO. 5711 OF 2019**

Shri. Macchindra Ramchandra GolePetitioners
and others

V/s.

Shri. Vijay Baburao Chougule and anotherRespondents

**WITH
WRIT PETITION NO. 5710 OF 2019**

Shri. Macchindra Ramchandra GolePetitioners
and others

V/s.

Shri. Shankar Pandurang Patil and othersRespondents

**WITH
WRIT PETITION NO. 5709 OF 2019**

Shri. Macchindra Ramchandra Gole
and others

.....Petitioners

V/s.

Sou. Priti Sharad Navale and another

.....Respondents

Mr. Prashant Bhavke for the Petitioners

Mr. Sandeep S. Koregave for respondent no. 1 in WP 5708 of 2019
and 5711 of 2019

Mr. Satyajeet Shirke for respondent nos. 1 to 7 in WP Nos. 5709 &
5710 of 2019

CORAM : NITIN W. SAMBRE, J.

DATE : JULY 8, 2019.

P.C.

Heard respective counsel.

2 The order impugned is dated 22/03/2019 whereby request of the petitioner for carrying mutation in his name against the following properties came to be rejected. Details of properties are as under:

तालुका	गांव	गट न.	क्षेत्र हे.आर	टाकार रु.पै.
करवीर वळीवडे		२१७/अ/२	१.०४	८.८१
		२१७/अ/३	०.१७	१.७५
		२१७/अ/४	०.१५	०.९४

3 It is the case of the petitioner that the property in question was purchased by him from one Babaso and a Civil Suit initiated by two sons of Babaso was decreed to the extent and their share which is the subject matter of challenge in an Appeal. According to him, respondent nos. 2 & 3 claim to be sisters of Babaso, who have transferred part of the ancestral property of their share in favour of respondent no. 1. As such, the property which the petitioner has purchased from Babaso and his sons, part of which claim to have been transferred by respondent nos. 2 & 3 in favour of respondent no. 1. Pursuant to this transfer the mutation entry was effected in favour of respondent no. 1. He would then urge that the alleged Sale Deed executed inter-say between respondent no. 1 on one side, respondent nos. 2 & 3 on the other side of the part of property purchased by the petitioner are subject matter of challenge in R.C.S No. 1010 of 2016 to 1013 of 2016. He would invite attention of this Court to order of status-quo passed in all these Suits. As such, according to him, pending Civil Litigation, Revenue Authorities

ought not to have interfered with revenue entries.

4 The learned counsel for respondent nos. 1 to 3 would support the order impugned on the ground that there exist a registered Sale Deed in favour of respondent no. 1 from respondent nos. 2 & 3. In an earlier round of litigation, the mutation entries confirmed upto this Court in favour of respondent nos. 2 & 3 is formed to be a basis for effecting Sale Deed in favour of respondent no. 1. As such, at the place of respondent nos. 2 & 3, name of respondent no. 1 is rightly mutated.

5 Having dwelled upon the controversy which is sought to be raised before this Court, *prima facie* it is required to be noted that the mutation entries does not confer any absolute title in favour of parties in whose name such entries are taken. The Revenue entries are for the fiscal purpose i.e. for working out revenue and recovery of the same.

6 Apart from above, law on the aforesaid point is well settled as

these revenue entries are always subject to outcome of the Civil Suits which are pending inter-say between the parties in relation to such properties.

7 The contention is raised by the respondents herein that the mutation entry which were confirmed in favour of respondent nos. 2 & 3, after the Suit was decreed in favour of sons of Babaso. Same is claimed to be a basis for ordering in favour of respondent no. 1. This fact is not disputed by the petitioners. As such, in my opinion, no case for interference is made out. All these petitions fail, stand dismissed.

8 However, it is clarified that it shall be open for the petitioner to canvass the issue as regards the operation of injunction against respondent from creating third party interest in the pending Civil Suits referred supra and also in the pending Appeal.

[NITIN W. SAMBRE, J.]