**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.837/2019**

Mahendra Shankarrao Nimborkar and another
..Vs..
The Additional Commissioner, Amravati Division, Amravati and others

| Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's orders | Court's or Judge's orders |
|---|---|

Shri G.R. Sadar, Advocate for the petitioners.
Shri N.R. Patil, A.G.P. for respondent Nos.1 to 5.
Shri K.B. Zinjarde, Advocate for respondent No.6.

**CORAM : Z.A. HAQ, J.**
**DATED :** 18.7.2019.

Heard.

This petition arises out of order passed by the Authorities under the provisions of Maharashtra Land Revenue Code, 1966 regarding mutation of names in the revenue record. The respondent No.6 claims title over the property in question on the basis of sale-deed dated 7th October, 2013. Regular Civil Suit No.66/2012 was filed by the predecessor of respondent No.6, praying for decree for cancellation of gift-deed alleged to have been executed by the vendor, who executed sale-deed in favour of predecessor of respondent No.6. Regular Civil Suit No.66/2012 is decided and appeal against the judgment and decree passed by the trial Court is pending.

In the above facts, in my view, it would not be

appropriate to examine the issue of title and legality of the gift-deed in these proceedings. The findings given in the civil proceedings will prevail. Hence, I am not inclined to interfere in the matter in extraordinary jurisdiction. Hence, the writ petition is **disposed**. In the circumstances, the parties to bear their own costs.

It is clarified that the observations / findings recorded in the impugned orders will not come in the way of decision of the appeal pending before the District Court.

JUDGE

*Tambaskar*.