

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2548 OF 2016

Kamal wd/o Khushal Trivedi and ors.

-vs-

Govind s/o Ramcharan Trivedi and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. A. Pannase, Advocate for petitioners.
Shri D. M. Surjuse, Advocate for respondents.

CORAM : A.S.CHANDURKAR, J.
DATE : June 19, 2019

Challenge in the present writ petition filed under Article 227 of the Constitution of India is to the order passed on 06/01/2016 by the Additional Commissioner dismissing the appeal filed by the petitioners herein and maintaining the order dated 08/01/2015 passed by the Additional Collector, Wardha. By that order the revenue entry bearing No.2886 dated 28/10/2009 stands confirmed.

Heard the learned counsel for the parties in support of their respective contentions. It is seen that the respondent No.1 claims right on the basis of registered sale-deed dated 30/08/1957. According to the petitioners in view of the Will dated 17/07/1989 the petitioners have got right in the said property. It can be seen that the sale-deed dated 30/08/1957 has been executed by Shankar Prasad Trivedi while the subsequent Will dated 17/07/1989 is stated to be executed by his widow Rameshwari Trivedi. The sale-

deed continues to hold the field as of today. It is in the light of these facts that the Additional Collector has observed while maintaining the order dated 08/01/2015 passed by the Additional Collector that unless the sale-deed is got invalidated through the civil Court, it would continue to hold the field. Hence the order restoring the mutation entry taken on the basis of that sale-deed cannot be faulted.

There is no reason to interfere in writ jurisdiction. Writ Petition is therefore dismissed. No costs.

JUDGE