IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8110 OF 2018

1. Sambhaji Gambhir Patil,
Age : Major Occu. Agri.,
R/o. Kanashi, Tq. Bhadgaon,
Dist. Jalgaon.

2. Rajendra Sahebrao Patil,
Age : Major, Occu: Agri.,
R/o. Bhamre, Tq. Chalisgaon,
Dist. Jalgaon

3. Nirmalabai Vyankat Patil,
Age : Major, Occ: Agri.,
R/o. Kanashi, Tq. Bhadgaon,
Dist. Jalgaon ... **PETITIONERS**
(Ori. Respondents)

VERSUS

1. The State of Maharashtra,
through Principal Secretary,
Revenue Department,
Mantralaya, Mumbai

2. The Additional Commissioner,
Nashik Division, Nashik

3. The Additional District Collector,
Jalgaon, Dist. Jalgaon

4. The Sub-Divisional Officer,
Pachora, Tq. Pachora,
Dist. Jalgaon.

5. Ratnabai Bhayyasaheb Pawar,
Age : 51 years, Occu: Household,
R/o. Bhoras (bk), Tq. Chalisgaon,
Dist. Jalgaon. ... **RESPONDENTS**
(Ori. Appellant)

...

Advocate for Petitioners: Mr. A.P. Avhad
AGP for Respondent/State : Mr. S.W. Mundhe
Advocate for Respondent No.5 : Mr. R.K. Ingole

...

CORAM : MANGESH S. PATIL, J.

DATE : 23.09.2021

ORAL JUDGMENT :

Heard both the sides. Rule. The Rule is made returnable forthwith. With the consent of both the sides, the matter is heard finally.

2. After hearing the learned advocates of both the sides, it transpires that the respondent No.5 claiming herself to be the adopted daughter of the deceased Vyankat has filed a suit seeking declaration regarding her being an adopted daughter of Vyankat who executed a gift deed in her favour in respect of the suit properties. The petitioners have also filed a separate suit. Though it is a suit seeking perpetual injunction simplicitor, the respondent No.5 has also filed a counter claim asserting herself to be the adopted daughter of Vyankat in whose favour he executed a gift deed. Needless to state that the question of title to the suit property would depend upon the final out come of the decision in both these suits.

3. In the present petition, the petitioner and the respondent No.5 are at loggerheads with respect to the revenue entries of the suit property. Needless to state that the entries in the Revenue record have no bearing as far as the title to immovable property is concerned. It would depend upon proof or otherwise of the stand taken by the parties in the suit regarding the factum of adoption and validity of the gift deed. The present dispute is touching the mutations in the respect of the suit property. In my considered

view it does not have any bearing on substantive issues being fought at in the suits filed by both the sides.

4. In view of such peculiar state of affairs, The learned advocate of both the sides submit that when the substantive proceedings in the form of suits are already pending before the Civil Court wherein the decision as regard right and title of the parties to the suit property is to be decided finally, the Writ Petition can be disposed of by simply observing that the learned Civil Judge shall be free to decide the suit without getting influenced by the conclusions drawn by the Revenue Authorities in the judgments and orders impugned in this Writ Petition.

5. With such observations the Writ Petition is disposed of.

(MANGESH S. PATIL, J.)

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