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

WRIT PETITION NO. 4688/2021

Anupriya Mohanrao Nimbalkar
nee Mangala Madhavrao Jagtap & anr. ..Petitioners

vs.

Vibhavari Mohan Shinde & ors. ..Respondents

Mr. Rajesh Kachre a/w. Ajit Tamhane, Savita Sawalkar, Rohan Tamhane, Yash Juwatkar i/b. Tamhane & Co. for the petitioners.

Mr. D.A. Sakhalkar for the respondent Nos. 1 to 3.

Ms. Tarannum Shaikh i/b. Atul Tungare for respondent No.4.

Mr. A.P. Vanarse, AGP for the respondent Nos. 5 to 8.

CORAM : M.S.KARNIK, J.

DATE : SEPTEMBER 2, 2021

P.C.

Heard learned counsel for the petitioners.

2. It is the contention of learned counsel for the petitioners that the Revenue Authorities have passed various orders under the provisions of the Maharashtra Land Revenue Code, 1966 (hereinafter referred to as 'the Code' for short) effecting the changes in the mutation entries to the detriment of the petitioners even without hearing the petitioners.

3. Learned counsel for the petitioners contends that there is a suit pending between the parties to establish the right, title and interest in the suit property. It is one of his contention that when

initially the suit was filed by the mother of the present respondent Nos. 1 to 3, claim was on the basis that they have 20% share in the suit property. It is the contention of learned counsel for the petitioners that on the basis of the impugned mutation entries various orders are passed by the Revenue Authorities, the last of which was passed as far back as on 9/9/2010. The respondent Nos. 1 to 3 have amended the Plaint and are now seeking 100% share in the suit property.

4. It is the contention of learned counsel for the respondents that against the order impugned dated 9/9/2010 in this Petition and the other orders passed, there lies a remedy of revision before the appropriate authority under Section 257 of the Code.

5. If it is the contention of the petitioners that without impleading the petitioners as a party to the proceedings before the Revenue Authorities, certain orders have been passed, then that will be a ground for the petitioners to challenge the impugned orders before the superior authority in revision. The petitioners have an appropriate alternate remedy to challenge the impugned orders under Section 257 of the Code and therefore I am not inclined to entertain the present Petition.

6. In any case, if it is the contention of learned counsel for the petitioners, that based on mutation entries, the respondent Nos. 1 to 3 are claiming right, title and interest, the law by now is well

settled that the revenue entries do not establish the right, title and interest in the property in favour of any of the parties and it is for the parties to get their right, title and interest established before the competent Civil Court.

7. The suit in this respect is already filed. The revenue entries obviously will abide by the final outcome of the civil proceedings before the competent Civil Court in the pending suit. The revenue entries only have presumptive value.

8. Keeping all contentions of the petitioners open to challenge the impugned orders by availing of the alternate efficacious remedy available under the Code, the Petition is disposed of.

(M.S.KARNIK, J.)

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