

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

WRIT PETITION NO7930/2018
Shri Prabhakar s/o Domaji Shastri and ors
..VS..

The Sub Divisional Officer, Nagpur Rural, District Nagpur and ors

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

Court's or Judge's Order

Shri N.D.Khamborkar, Counsel for Petitioners.
Shri K.P.Mahalle, Counsel for R-3.
AGP for the State.

CORAM : V.M.DESHPANDE J.
DATED : JANUARY 21, 2021.

1. After hearing learned counsel Shri N.D.Khamborkar for petitioners and learned counsel Shri K.P.Mahalle for respondent No.3, it is noticed that Special Civil Suit No.56/2015 is pending before 16th Joint Civil Judge Senior Division, Nagpur, in which petitioners who are plaintiffs sought declaration and injunction, respondent No.3 who is defendant has also set up a counter claim.
2. The present writ petition arises out of mutation proceedings in which name of respondent No.3 is mutated as co-sharer along with petitioners.
3. In view of pendency of civil suits in which issue whether the plaintiffs alone are owners or respondent No.3 is having share is involved, in my view, the present writ petition is disposed of without observing anything on merits or demerits of impugned order with liberty to petitioners to file a petition afresh challenging the impugned order if verdict goes in their favour.

JUDGE

!! BRW !!

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