

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO. 13755 OF 2021

Proposed Suryakiran Sahakari
Gruh Nirman Sanstha Maryadit, Deopur, Dhule ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

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Shri. A. B. Girase h/f Shri. Ashutosh Sisodiya, Advocate for the
petitioner
Shri. A. A. Jagatkar, AGP for respondent/State
Shri. M. K. Bhosale, Advocate for respondent no. 5

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CORAM : BHARATI H. DANGRE, J.
DATE : FEBRUARY 10TH, 2022

PER COURT : -

1. Heard learned Counsel for the petitioner, who is aggrieved by an order passed by the learned Civil Judge Senior division, Dhule on 07.06.2021 below Exh. 89 in Regular Civil Suit No. 284/2014. The chronology of events as narrated in the petition would reveal that the petitioner-society had purchased certain properties within the limits of Dhule Municipal Council vide registered Sale Deed dated 29.03.1997 and preferred an application for mutating their name in the record of right before the revenue authorities. However, since there was no decision taken upon their application, they approached

this Court by filing Writ Petition No. 2268/2002. In the proceedings, intervention was filed by one Suyog Cooperative Housing Society and its members and in the wake of the dispute that was projected before the Court with an argument that the land is allotted to the intervenors, the Division Bench of this Court reiterated the settled position of law that the entries in the record of rights are only meant for fiscal purposes and the petitioners are at liberty to establish their rights before the Civil Court. Reference was made to a second appeal between the intervenors and the original owners which was pending, with an observation that the revenue authorities are bound to take entries in the revenue record in tune with the judgment of the Civil Court. Upon the said judgment being delivered by the Division Bench of this Court, the petitioners instituted RCS No. 284/2014, but failed to implead the intervenors as party respondents, who sought their intervention in the said suit by filing an application under Order I Rule 10 (2) of the Code of Civil Procedure, by projecting their interest in the outcome of the suit. It is this application which is allowed by the Court and the reasoning of the learned Judge rebutted in allowing the application, which in my opinion, do not warrant any interference.

. The learned Judge has categorically recorded that the plaintiff and the third party are claiming ownership of the suit

property and while contesting the ownership of third party, the plaintiff has mentioned about the decision of R.C.S. No. 441/1987, and if the documents on record are perused, it can be noted that this suit is filed by the third party for establishing it's right over the suit property and this proceeding has travelled upto the High Court.

2. In the wake of the aforesaid, considering the fact that the rights of the third parties are involved in the suit property and therefore they have an interest in the outcome of the litigation, the application came to be granted.

. Since no legal infirmity is found in the impugned order, the same is upheld and the writ petition is dismissed.

[BHARATI H. DANGRE]
JUDGE