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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9655 OF 2021**

Santosh Natha Jadhav and Anr Petitioners.

V/s

Shivaji Ramchandra Jadhav and Ors. Respondents.

Mr. Sandesh D. Patil a/w Prithviraj Gole i/b Divya Pawar Patil for the
Petitioners.

Mr. Sanjay R. Kulkarni for Respondent No.1.

Mr. S.D. Rayrikar, AGP for Respondent No.2.

Petitioner No.1 Santosh Natha Jadhav is present in Court.

CORAM: NITIN W. SAMBRE, J.

DATE: JUNE 22, 2022

P.C.:-

1] It is the contention of Mr. Patil, learned Counsel for the Petitioners that mutation entry which was effected in favour of the Petitioners on 9/3/1984 is upset without deciding prayer for condonation of delay by all the revenue authorities. It is claimed by the Petitioners that the suit property is ancestral and even if title is vested in favour of Respondent No.1 by virtue of registered Sale Deed dated 4/1/1971, same is ignoring claim of the Petitioners to the extent of their share in the ancestral property.

2] Mr. Patil would urge that irrespective of revenue proceedings which are questioned in the present Petition, Petitioners intend to file suit for partition and separate possession questioning Sale Deed dated

4/1/1971 executed by Sitabai in favour of Respondent No.1.

3] Seeking liberty to the Petitioners to the above extent, motion is made for withdrawal of the Petition.

4] As such, Petition stands disposed of as withdrawn.

5] Petitioners are at liberty to take out appropriate proceedings for partition as prayed hereinabove, which be decided on its own merit without being influenced by the withdrawal of this Petition.

6] Needless to clarify that this Court has not held that the suit property is an ancestral property.

7] Parties to the Petition assure that they shall not be creating third party interest for a period of 10 weeks from today.

(NITIN W. SAMBRE, J.)