

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

WRIT PETITION NO. 5248/2017

Smt. Vimal wd/o. Govindrao Tamgadge and Anr.

Vs.

Additional Commissioner, Nagpur Division, Nagpur and Ors.

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

Court's or Judge's order

.....
Mr. P. S. Kadam, Advocate for the Petitioner.

Mr. M. A. Kadu, A.G.P for the Respondent(s)/State.

CORAM : AMIT B. BORKAR, J.

DATED : 27th JULY, 2022.

1. The present petition arises out of proceeding under Section 149 of the Maharashtra Land Revenue Code, 1966.

2. According to the petitioners, the entry in favour of respondent No.8 was effected on the basis of unregistered will deed. According to them, such a will was never executed by Rukhmabai and they seriously dispute execution of will deed. The Authorities below have recorded a finding that on the basis of unregistered will deed, the mutation entry does not affect substantive rights of the petitioners. If petitioners are aggrieved by the alleged execution of will in favour of respondent No.8, remedy of petitioners is to approach the Civil Court to challenge alleged will deed executed in favour of respondent No.8.

3. In that view of the matter, the view adopted by the Authorities below exercising power under Section 149 of the Maharashtra Land Revenue Code, 1966 cannot be faulted.

4. The Writ Petition is, therefore, dismissed with a liberty to the petitioners to challenge alleged will deed executed in favour of respondent No.8.

JUDGE

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