

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

WRIT PETITION NO.3854 OF 2017

Gajendra s/o Jotiram Shahare and another

Vs.

The Additional Commissioner, Nagpur Division, Nagpur and others

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

Court's or Judge's orders.

Shri V.K. Paliwal, Advocate for petitioners.
Shri Amit Madiwale, AGP for respondent nos.1 to 4.
Shri Karan Singh Ramesh Gour, Advocate for respondent no.5.

CORAM : AMIT B. BORKAR, J.

DATE : 21st JUNE, 2022.

By this petition, the petitioners are challenging the order passed by the Additional Commissioner in exercise power under Section 257 of the Maharashtra Land Revenue Code (for short, "the MLR Code").

2. The respondent no.5 had filed an application under Section 149 of the MLR Code to enter her name in the revenue record, which was objected by the petitioners on the basis of will. According to the petitioners, the property in question was bequeathed in their favour by the erstwhile owner. The Civil Court in Regular Civil Suit No.76 of 2008 has recorded categorical findings in paragraph 14, that the petitioners have failed to prove devolution of property in their favour by virtue of will. The said finding has attained finality. The said finding is binding on all the authorities under MLR Code. There is no error in exercise of power by

the Additional Commissioner. The petition has no merit and the same is dismissed.

3. In case the finding recorded by the Civil Court is set aside by superior Court, the petitioners will be at liberty to take out appropriate proceedings under Section 149 of the MLR Code.

JUDGE

Wagh