

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

WRIT PETITION NO. 4402 OF 2018

Chakaradhar Punjaram Chaudhari -Versus- Dinesh Bhimrao Chaudhari and ors

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

Court's or Judge's orders

Mr. V.S.Dhobe, Advocate for petitioner
Mr. M.P.Kariya, Advocate for Respondent Nos. 1 to 3.
Mrs. M.M.Barabde, AGP for Respondent Nos. 4 to 7

CORAM : AVINASH G. GHAROTE, J.
DATE : 22/08/2022

1] Heard Mr. Dhobe, learned counsel for the petitioner.

2] The petition challenges the order of the Additional Commissioner, dated 12.4.2018 (page 107) whereby the order of the Tahsildar dated 16.6.2009 cancelling the mutation entry No. 503 in favour of Respondent Nos.1 to 3 on the basis of a Will dated 13.9.1984 by Bapurao Chaudhari, has been upheld by the SDO by its order dated 5.1.2011, by the Additional Collector by his order dated 16.8.2011 and all these orders have been reversed by the Additional Commissioner/Respondent No.4 by the impugned order dated 12.4.2018.

3] The mutation entry No. 503 in favour of Respondent Nos. 1 to 3 was effected by virtue of a Will dated 13.9.1984 executed in favour of Respondent Nos. 1

to 3 by Bapurao Chaudari, the husband of Gayabai, who had received the property concerned in a partition between herself and her brothers Keshav and Punjaram, which partition was recorded by virtue of the mutation entry Nos. 151 and 152 on 21.8.1985.

4] Mr. Dhobe, learned counsel for the petitioner submits that the Will dated 13.9.1984 by Bapurao in favour of Respondent Nos. 1 to 3 was a bogus Will and the mutation entry could not have been effected on the basis of such a Will. He however fairly admits that there has been no challenge led to the Will dated 13.9.1984.

5] That being the position, the Revenue Authorities were legally incapable of entertaining a challenge to the Will dated 13.9.1984, considering which the impugned order dated 12.4.2018 cannot be faulted with. The petition therefore is without any merits and is dismissed. No costs.

JUDGE

Rvjalit