

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

WRIT PETITION NO. 892 OF 2022

Shyam s/o Damodar Manatkar

..VS..

Sau. Indubai Purushottam Dahe and ors.

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

Court's or Judge's orders

Shri N.S. Warulkar, Advocate for the petitioner.

Shri R.S. Suryawanshi, Advocate for the respondent no.1.

CORAM : ROHIT B. DEO, J.

DATED : 04/03/2022.

Heard.

2. This petition arises from proceedings under the Maharashtra Land Revenue Code, as regards a mutation entry.

3. The orders, which are passed from time to time, in the proceedings, are not on merits of the matter, rather, the rival parties have kept on litigating on the issue of the entitlement of respondent 1 to seek condonation of delay in challenging the mutation entry, which according to the petitioner, is in his name since the last owner Venubai executed registered Gift Deed in his favour.

4. It is trite law that mutation entry does not confer title. The entries are only serve a fiscal purpose. It is common ground that the respondent 1 has already instituted Civil Suit seeking a declaration that the Gift Deed is illegal. The respective rights qua the property, shall undoubtedly be decided in the civil suit. This petition can be disposed of by observing that the mutation entry shall be subject to the decision of the civil suit and further, shall be treated as

disputed. It is further made clear, that the petitioner shall derive no advantage from the mutation entry in the adjudication before the Civil Court and the respective claims shall be considered on merits, dehors the disputed entry.

5. The petition is disposed of.

JUDGE

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