

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

35 WRIT PETITION NO.12889 OF 2016

DNYANESHWAR KHANDU JAGTAP AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Shirsath P.B.
AGP for Respondents-State : Mr. K. B. Jadhavar
Advocate for Respondent No.6 : Mr. V. P. Latange

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CORAM : ARUN R. PEDNEKER, J.
DATE : 30th January, 2023

PER COURT :

1. Heard the learned Advocate for the petitioner. He submits that the petitioner has purchased the suit property from respondent No.7 to 9 and that the present proceedings relate to the mutation entry No.749, wherein the name of the respondent No.6 has been added as legal heir. One of the respondents had challenged the said mutation entry earlier in Writ Petition No.8619 of 2012, and this Court by order dated 15/10/2022 passed the following order :-

"1. *Heard.*

2. *The petitioners assail the order passed by the Additional Commissioner, dismissing the Revision.*

3. *The learned counsel for the petitioners submits that the dispute is with regard to the mutation entry No.749. The authorities have not properly considered the case put forth by the petitioner in its proper perspective. The civil suits are*

pending. The partition has already taken place. The Respondent No.1 does not have any right to claim herself to be the daughter of Vithal. All these aspects have not been considered.

4. All the authorities have decided against the petitioners. Even otherwise, the revenue entries are meant for fiscal purpose. The civil suits are pending between the parties. It is trite that the entries in the revenue record would always be subject to the decision in the Civil suit.

5. In view of the above, I am not inclined to entertain the Writ Petition. As such the Writ Petition is dismissed. However, there shall be no order as to costs."

2. The same order would be applicable to the present case. The mutation entries made would be subject to the outcome of the civil proceedings. The learned Advocate for the petitioner submits that since he is in possession, he should not be dispossessed. The same being not the subject matter of the present proceedings and any relief thereto would be only available to the parties before the Civil Court. Status-quo to be maintained qua the revenue entries for a period of three months as to enable the parties to apply for interim relief in civil suits, which the Civil Court may decide on its own merits without being influenced by any observation made herein.

3. I am informed that there is a civil suit filed for injunction

between the parties. The Trial Court will determine that suit on its own merits.

4. In view of the above, the writ petition is disposed of.

(ARUN R. PEDNEKER, J.)

vj gawade/-.