

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 11525 OF 2019
IN
SECOND APPEAL NO. 613 OF 2018**

Fahemunisa Begum Shaikh
Mohammad Taher

.. Applicant

Versus

Bhikanbee Ayubkhan
died through L.Rs.
Sikandar Khan Ayub Khan and others

.. Respondents

Mr. Mahesh P. Kale, Advocate for the Applicant.
Mr. A. N. Raut, Advocate for Respondent Nos. 1A to 1D.
Mr. S. N. Deshmukh, Advocate for Respondent Nos. 2 to 5, 7 to 9.

CORAM : KISHORE C. SANT, J.

DATED : 05th SEPTEMBER, 2023.

P. C. :-

. Heard the parties.

2. This application is moved praying for grant of order of status quo as on the date of filing of the application i.e. 04.09.2019. On 24.09.2019 status quo granted in respect of revenue entries. The application was filed after filing of the appeal. It is pointed out that, the appeal was adjourned at the instance of respondents on various occasions. On 03.06.2019 the appeal was again adjourned to 03.07.2019 and thereafter from time to time it was adjourned.

Ultimately on 30.08.2019 this Court passed an order in Civil Application No. 9343/2018 directing the parties to maintain status quo in respect of suit property as well as revenue record till the next date and the said order is continued from time to time. However, when the order dated 30.08.2019 came to be passed, on the same day the revenue authorities effected change in entry by showing name of respondent Shaikh Mukhta Shaikh Mohammed Hanif by giving mutation entry No. 1103. On that day, in fact, mutation entry No. 456 was in force wherein, name of the applicant was shown in 7/12 extract.

3. Learned advocate Mr. Kale for the applicant points out that, by adjourning the matter deliberately this mutation entry dated 30.08.2019 was effected without following procedure. He points out mutation entry No. 1103 which shows that notices were served upon the parties on 30.08.2019 and the entry was taken on the very date.

4. This Court finds that, this clearly shows that no proper procedure was followed. Secondly, the entry was effected at the instance of respondent Shaikh Mukhta, however, he did not point out it to this Court on 30.08.2019 that he is trying to get mutation entries effected in his name. While passing the order certainly the position was considered to be as on 30.08.2019 prior to effecting the mutation entry No. 1103.

5. Learned advocate for respondent Nos. 2 to 5 submits that, this mutation entry No. 1103 was further challenged and again name of Fahemunisa Begum is now appearing in the revenue record in view of the orders passed by the superior authorities.

6. Be that as it may, this Court finds that, when on 30.08.2019 the order came to be passed. Certainly, this Court was considering the position as per mutation entry No. 456. In view of this, it would be proper to direct the parties to maintain the status quo by keeping the mutation entry No. 456 in the name of this applicant as it stood on 30.08.2019 before taking entry No. 1103.

7. With this, the civil application stands disposed off.

(KISHORE C. SANT, J.)

PS.B.