

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 6809 OF 2019**

Bhimrao Bhagvan More
since deceased through his LHRs
Dropadabai Bhimrao More and Ors.

.. Petitioners

Versus

Lata Tanaji Zagade
since deceased through her LHRs
Deepak Tanaji Zagade and Ors.

.. Respondents

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- Ms. Rekha Musale i/by Mr. Nitin Lala Rajguru for Petitioners
 - Mr. Jayendra D. Khairnar for Respondent Nos. 1A to 1C
 - Mrs. V.S.Nimbalkar, AGP for Respondent Nos. 2 and 3
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 06, 2023.

P.C.:

1. Heard Ms. Musale, learned Advocate for Petitioners; Mr. Khairnar, learned Advocate for Respondent Nos. 1A to 1C and Mrs. Nimbalkar, learned AGP for Respondent Nos. 2 and 3.

2. The present Writ Petition takes exception to the order dated 15.11.2018 passed in Review proceedings before the State Government in respect of review of the order dated 14.03.2018.

3. Admitted position is that both the orders have been passed by the Minister of Respondent No.3 – State. The order dated 14.03.2018 is in favour of the Petitioners whereas order dated 15.11.2018 is in

favour of the Respondents.

4. Perusal of the impugned order would reveal that Petitioners and Respondents have derived part of the suit properties by purchase of the properties by a sale deed.

5. Ms. Musale would contend that the original property belonging to Shivaji Arjun More of 1H 32 Aar was equally divided amongst two brothers / legal heirs of Raghunath Arjun More and Waman Arjun More and Mutation Entry No. 957 governed the said division.

6. Thereafter the aforementioned property was transferred in the names of Bhagwan More and Babu More (40 Aar) and Shripati Nalawade (66 R) vide Mutation Entries No. 959 and 958 respectively. Petitioner–Bhimrao Bhagvan More has thereafter purchased the said property from Shripati Nalawade (66 Aar) and Mutation Entry No. 960 in that respect was made in the revenue record.

7. In so far as Bhimrao More and Babu More's property is concerned, it is the contention of Petitioners that 20R out of the said property was also purchased by them from Raghunath and Mutation Entry No. 1803 was carried out in the revenue record. This position is however strongly refuted by the learned Advocate for the contesting Respondents.

8. Be that as it may, orders passed in Revenue proceedings cannot govern the entitlement to the suit properties. Considering that both

the aforementioned orders dated 14.03.2018 and 15.11.2018 govern the substantive rights of the parties in immovable properties and none of the parties have approached the Civil Court, it is directed that *status quo* shall be maintained in so far as both the aforesaid orders are concerned.

9. If either of the parties are aggrieved, they can approach the appropriate Civil Court of original Civil jurisdiction by filing a suit and file Exhibit-5 application and obtained appropriate reliefs therein. Subject to such orders passed by the appropriate Civil Court, Mutation Entries which are referred to and alluded to herein above shall be subsequently and consequently governed.

10. With the above directions, Writ Petition disposed.

[MILIND N. JADHAV, J.]

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