

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 350 OF 2005
WITH
CIVIL APPLICATION NO. 1952 OF 2016

~~Rekha Pandharinath Amberkar~~
(Since Deceased Through LRs)

Vidhya Pandrinath Amberkar and Ors. .. Petitioners

Versus

Maruti Gunaji Chavan @ Majalkar and Ors. .. Respondents

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- Mr. Aniket Ranade i/by Mr. Rupesh Turbhekar, Advocate for Petitioners.
 - Mr. Rajesh B. Parab, Advocate for Respondents.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 01, 2023.

P.C.:

1. Heard Mr. Ranade, learned Advocate for Petitioners and Mr. Parab, learned Advocate for Respondents for some time.

2. The present Writ Petition takes exception to the order dated 07.10.2003 passed by the learned Additional Commissioner, Konkan Division in revision proceedings in respect of Mutation Entry No.1543 pertaining to the subject land.

3. Both the learned Advocates are *ad idem* that revenue entry would not determine their title. Mr. Ranade, learned Advocate for Petitioners would submit that in the meanwhile Petitioners have purchased the subject suit property in tenancy proceeding case No.379

of 2000 on 27.07.2001 and the same is also subject matter of challenge by the Respondent before the concerned Competent Authority.

4. Considering that a substantive challenge is maintained in the tenancy proceedings with respect to the same subject matter, the issue relating to the subject Mutation Entry No.1543 in the present Writ Petition would be governed by the outcome of the said tenancy proceedings.

5. In that view of the matter, present Writ Petition does not survive. Writ Petition is disposed with the directions that the subject Mutation Entry No.1543 shall be subject to the outcome of the tenancy proceedings or any other substantive proceedings may be filed by the parties in the appropriate Civil Court of original civil jurisdiction.

6. With the above directions, Writ Petition is disposed.

7. In view of disposal of the Writ Petition, pending Civil Application No.1952 of 2016 does not survive and is accordingly disposed.

[MILIND N. JADHAV, J.]

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