

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 9678 OF 2021**

Sanjay Premchand Sancheti

.. Petitioner

Versus

Sandeep Tarachand Shrimal and Anr.

.. Respondents

-
- Mr.S.R.Ganoo i/by Mr. Pradip M. Rajput for Petitioner
 - Mr. Venkatesh A. Shastry for Respondent No.1
 - Mr. S.D.Rayrikar, AGP for Respondent No.2
-

CORAM : MILIND N. JADHAV, J.**DATE : FEBRUARY 10, 2023.****P.C.:**

1. Heard Mr. Ganoo, learned Advocate for Petitioner; Mr. Shastry learned Advocate for Respondent No.1 and Mr. Rayrikar, learned AGP for Respondent No.2.

2. Perused the impugned order dated 09.09.2019 passed in R.T.S. Appeal under the provisions of Section 257 of the Maharashtra Land Revenue Code, 1966. The *lis* between the parties pertains to entitlement on the basis of the will in respect of which the mutation entries have been altered. Admittedly any entitlement to immovable property cannot be decided on the basis of mutation entries. Mr. Ganoo after taking instructions from the Petitioner would submit that Petitioner shall file appropriate proceedings in the Civil Court, Pune for entitlement of his right in the subject property on the basis of the

Will dated 06.02.1998 and obtain appropriate orders in Exh.5 application therein. He would urge the Court that in the interregnum, *status quo* order be passed by this Court. Mr. Ganoo is fair and his suggestion is acceptable to the Court. Mr. Shastry in his usual fairness also accepts the same.

3. In view of the above, it is directed that *status quo* be maintained by both the parties for a period of 10 weeks from today to enable the Petitioner to take appropriate steps and approach the Civil Court.

4. Needless to state that the impugned order dated 09.09.2019 stands set aside.

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

[MILIND N. JADHAV, J.]

SONALI
SATISH
KILAJE

Digitally signed
by SONALI
SATISH KILAJE
Date:
2023.02.13
12:43:16
+05'30'