

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1628 OF 2023

Manohar Rambhau Ugale and anr__ Vs. __ Additional Collector and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.J.Mirza, Advocate for petitioners
Mr. N.R.Patil, AGP for respondents/State

CORAM : AVINASH G. GHAROTE, J.
DATE : 31/03/2023

1] Heard Mr. Mirza, learned counsel for the petitioners.

2] The petition challenges the order dated 6.1.2022 passed by the Sub Divisional Officer (pg.24), rejecting the application for condonation of delay in challenging the mutation entry dated 26.10.1987 (pg.25), the application having been filed on 11.2.2021. The learned Collector in appeal by order dated 31.5.2022, has maintained the same.

3] Mr. Mirza, learned counsel for the petitioner submits that the petitioners were not aware of the mutation entry in the name of Dhnyandeo Ugale, the father of respondent nos. 4, 5 & 6 and husband of respondent no.3 and mother of

Dnyandeo and therefore, the application has been filed only when the knowledge has been acquired, on account of which the delay ought to have been condoned.

4] It is not in dispute that RCS No. 13/2021 filed by the present petitioners against the respondent nos. 3 to 6 in respect of the same property, claiming that the petitioner is the sole owner of the same, is already pending. It is therefore apparent that any decision rendered in RCS No.13/2021 would finally govern the parties and would be binding upon them, in view of which, I am not inclined to entertain the present petition. The same is dismissed. No costs.

JUDGE

Rvjalit