

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

Writ Petition No.2241/2023

Smt. Gopibai V The Divisional Commissioner, Amravati and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Mr. H.R. Dhumale, Adv for petitioner.
Mr. R.P Ladekar, Adv for resp. no.4./Caveator.
Ms. T. Khan, AGP for resp. nos. 1 to 3.

CORAM : AVINASH G GHAROTE, J.
DATE : 06-04-2023

Heard learned Counsel Mr. Dhumale for the
petitioner.

2. It is not in dispute that the judgment and decree passed in RCS No. 21/16 dated 4-2-19 holding that the respondent no.4 is the owner of the property in question is the subject matter of an appeal before the learned District Judge in RCA No.15/19. The present petition challenges the order by the Additional Commissioner, which upholds the order of the Sub-Divisional Officer (SDO) by which the mutation entries dated 28-8-80 and of the year 1986 have been set aside.

3. It is a settled position of law that the findings rendered by the civil court as may be confirmed in appeal would be binding upon the revenue authorities and since in this case RCA No.15/19 is already pending,

the final decision would govern the said aspect. In view of which, I am not inclined to interfere in the order impugned in this petition. The petition is dismissed.

4. Needless to say that since the claim is made of the property in question being in possession of the petitioner, she cannot be dispossessed without following due procedure of law. This plea can be raised by the petitioner in the pending appeal before the Appellate Court.

JUDGE