

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

Writ Petition No.3198 of 2022

Basantibai Wd/O Ratilal Sugandhi

Vs

Additional Commissioner, Amravati Division, Amravati And Others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M. Tirukh, Advocate for the Petitioner/s
Shri Dubey, AGP for the Respondent Nos.1 to 4/State
Shri A.S. Mehadia, Advocate for the respondent No.6

CORAM : ANIL S. KILOR, J.

DATED : 28.06.2023

1. Heard.
2. The present matter is arising out of the mutation entry recorded in the name of the respondent No.6 on the basis of a will executed by late Ratilal Sugandhi. The petitioner is the objector to the said mutation entry. The petitioner before this petition filed two appeals and a revision which went against the petitioner.
3. In the present writ petition, the order passed by the Additional Commissioner, Amravati in revision application, rejecting the revision application vide order dated 15.12.2021, is under challenge.
4. Admittedly, the Will on the basis of which the mutation entry was recorded in the name of the respondent No.6, is the subject matter of challenge in the suit filed by the petitioner

namely, Regular Civil Suit No.18/2021 for declaration and injunction. In the said suit, the petitioner has sought declaration to the effect that the Will executed by late Ratilal, is bogus.

5. Admittedly, Sub Divisional Officer, Balapur, Additional Collector, Akola, Additional Commissioner, Amravati, have held against the petitioner in this matter.

6. It is a settled law that a mutation entry does not create any title in favour of any of the parties, but the purpose of such mutation entry is a fiscal purposes.

7. In the circumstances, having regard to the fact that the Will is under challenge and there is no declaration by the Civil Court that the Will is bogus, I do not find any merit in the present writ petition. Accordingly, the Writ petition is **dismissed**.

[ANIL S. KILOR, J.]