

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

WRIT PETITION NO.195/2023

Shaikh Ismail Shikh Muslim Qureshi

...Versus...

Additional Commissioner, Amravati Division, 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

Shri Abhay Sambre, Advocate for petitioner
Shri N.R. Patil, AGP for respondents/State

CORAM : AVINASH G. GHAROTE, J.

DATE : 09/01/2023

1. The petition challenges the deletion of the mutation entry in favour of the petitioner on the basis of the sale-deed dated 09/10/1995, effected on 20/06/2001, which has been deleted on the basis of a compromise decree dated 09/02/1999 passed in Civil Suit No.10/1996 between the predecessor of the petitioner and the respondent no.5, to which the petitioner was not a party. In execution proceedings a sale-deed dated 15/02/2005 has been executed in favour of the respondent no.5 through the process of the Court in pursuance to which, the mutation entry dated 20/06/2001 in favour of the petitioner has been ordered to be deleted and the name of the respondent no.5 has been directed to have been entered.

Objections have already been filed by the present petitioner before the Executing Court, which had been rejected, appeal against which was allowed, which, in turn has been challenged in Appeal Against Order No.20/2022 filed by the respondent no.5 before this Court. Since the question of respective title of the petitioner, as well as the respondent no.5, is already adjudicated before this Court in Appeal Against Order No.20/2022, the result passed therein, would be clearly binding upon the parties to this petition, in view of which, I am not inclined to interfere in the present petition.

2. In view of the above, the writ petition is disposed of. It is, however, made clear that all the mutation entries shall be subject to the result of Appeal Against Order No.20/2022. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar