



(This order is corrected as per speaking to minute order dated 28.06.2024.)
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5953 OF 2024

JANABAI PUNDALIKRAO TANGADE DIED THROUGH LRS
KAMALBAI SUDHAKAR GIRNARE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...
Mr. Chandrakant V. Thombre, Advocate for the Petitioners.
Mr. V. M. Jaware, AGP for Respondents-State.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 24th JUNE, 2024.**

P.C.:-

1. The petitioners impugn the order dated 09.02.2024 passed by the Tahsildar, Bhokardan in Case No. २०२३/जमा-१/कावी ११०३, by which Record of Rights proceedings initiated by petitioner no.3 herein for mutation entry based on decree passed by the Civil Court has been stayed till final outcome of the Appeal filed by the private respondents before the District Judge, Jalna against the decree passed in Regular Civil Suit No.87/2014.

2. Mr. Thombre, learned Advocate appearing for the petitioners submits that the Civil Court adjudicated the rights of the parties and held in favour of the petitioners declaring that the petitioners are the owners of the suit property. In pursuance of such decree, the application was moved for recoding mutation entry in the names of the petitioners. However, the learned Tahsildar stayed the proceedings giving reason that the Appeal is pending against such decree before the District Court. He would further submit that in fact the Appellate Court has not stayed the decree passed in RCS No.87/2014. As such, the learned Tahsildar was under

obligation to record the entries in pursuance of the decree in the suit.

3. Per contra, learned A.G.P. submits that the decree passed by the Trial Court is subject matter of Appeal before the District Judge in Regular Civil Appeal No.94/2023. Therefore, the learned Tahsildar passed the order to stay the further proceeding moved in pursuance of the petitioners' application seeking change in Record of Rights.

4. It is well settled that the Mutation Entries are for fiscal purpose and does not confer any right as regards to the title. In the present case, although the petitioners are successful and decree is passed regarding declaration of the ownership, it is not in dispute that the same is subject matter of Appeal before the District Judge. The Appeal being continuation of the Suit, no fault can be found in the impugned order by which the prayer for change in mutation entry based on decree in the Suit has been kept in abeyance.

5. Therefore, there is no merit in the Writ Petition. However, learned District Judge, Jalna is requested to expeditiously decide the Regular Civil Appeal No.94/2023. The parties shall co-operate for early disposal.

6. Writ Petition stands disposed of with aforesaid terms.

(S. G. CHAPALGAONKAR)
JUDGE