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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6286 OF 2001**

Sumati Dnyandeo Tawade and Ors ... Petitioners

vs.

Balkrishna Dattatraya Naik and Ors ... Respondents

Mr. S.G. Karandikar for Petitioners.

Mr. C.D. Mali, AGP for Respondent-State.

CORAM : GAURI GODSE, J.

DATED : 25th JANUARY, 2024

P.C. :-

1. This petition challenges order passed by the Additional Commissioner in revision application filed by respondent nos. 1 and 2. The revision application is allowed and the order passed by the Additional Collector in favour of the petitioner was set aside. By the order passed by the Additional Collector, the mutation entry no. 837 in favour of the respondents was cancelled.

2. By the said impugned order, the Additional Commissioner has allowed the revision application of the respondent nos. 1 and 2 by holding that the dispute between the parties is pending before the

Civil Court and till the decision of the Civil Court, there is no reason to interfere with the mutation entry.

3. The mutation entry no. 837 is in favour of respondent nos. 1 and 2 on the basis of a Will executed by Dattatraya. Both the parties are claiming rights through Dattatraya. It is not in dispute that the litigation between the parties qua the title to the property is already pending before the Civil Court, hence, the Additional Commissioner has correctly passed the impugned order by holding that the mutation entry will be subject to decision in the Civil Court.

4. Mutation entries are for fiscal purpose and does not decide any title and thus the entries are always subject to the rights of the parties being crystalized in the civil proceedings.

5. Hence, I do not find any reason to interfere in the impugned order. The petition is dismissed.

(GAURI GODSE, J.)