

VRJ

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

VAIBHAV
RAMESH
JADHAV

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WRIT PETITION NO.8563 OF 2004

Prakash Chandru Tupe

... Petitioner

V/s.

Dagadu Vittal Tupe

... Respondent

Mr. Y. B. Lengare with Mr. Aditya Gaikwad for the
petitioner.

None for respondent.

CORAM : AMIT BORKAR, J.

DATED : MAY 3, 2024

P.C.:

1. The petitioner is challenging order passed by the Additional Commissioner, Pune Division, Pune in RTS/Revision/Sangli/212/2000, thereby confirming order passed by the Additional Collector in turn confirming order of the Sub-Divisional Officer.

2. On 12 January 1987, the respondent filed an application before the Tehsildar to enter his name in record in relation to Gat No.285 claiming 8 anna share in the property in dispute. The Tehsildar passed an order allowing Mutation Entry No.17572 effected in favour of the petitioner and directed inclusion of respondent's name in relation to Gat No.285. On an objection raised by the petitioner recording entry of respondent's name in

record, his objection was rejected. Hence, the petitioner filed RTS/Appeal No.10 of 1995 before the Sub-Divisional Officer who dismissed the same. The Additional Collector on an appeal filed by the petitioner confirmed the order of the Sub-Divisional Officer. The Additional Commissioner, by the impugned order, confirmed the orders passed by the Sub-Divisional Officer and the Additional Collector. With the result, the respondent's name to the extent of 8 anna share in relation to Gat No.285 was entered in revenue record.

3. In the meantime, the respondent filed Regular Civil Suit No.189 of 1993 for partition and separate possession of Gat No.285. The Civil Court, by judgment and decree dated 29 January 2000, held that respondent had no share in the suit property. The said decree was confirmed by the District Court and Second Appeal No.591 of 2005 filed by the respondent was dismissed by this Court. The result is finding of the Civil Court that the respondent has no share in Gat No.285 attained finality.

4. Once the Civil Court conclusively adjudicates rights of the parties over immovable property, the mutation entries fall into insignificance. In view of finding recorded by the Civil Court holding the respondent not having share in the property, the impugned orders passed by the revenue authorities cannot be sustained. Hence, rule is made absolute in terms of prayer clause (b).

5. The writ petition is disposed of. No costs.

6. In view of the disposal of the writ petition, all pending

interlocutory application(s), if any, stands disposed of as infructuous.

(AMIT BORKAR, J.)