

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

WRIT PETITION NO. 4905 OF 2024

Mr. Vikraum P. Kapadia ...Petitioner
Versus
Ld. Superintendent City Survey
And Land Record And Anr. ...Respondents

Mr. Mohammed Asim for the Petitioner.
Ms. V.R. Raje A.G.P. for the Respondent No.1 – State.

CORAM : AVINASH G. GHAROTE, J.
DATE : 4th JULY 2024

P.C.:

1. The only contention raised is that the Superintendent of Land Record by mutating the name of respondent No.2 in respect of the subject property ought to have undertaken an exercise to verify whether the person presenting the application for mutation was a partner of the respondent No.2 - firm before effecting the mutation.

2. It is not in dispute that in Suit for specific performance in respect of an agreement for sale executed by the father of the petitioner in favour of the respondent No.2 - a partnership firm, a consent decree came to be passed on 08.09.1987 in Suit

No.2055/1985. It is on the basis of this consent decree that the respondent No.2 has made an application for mutation, though belatedly. It is also material to note that an application for recall of compromise decree dated 08.09.1987 passed by this Court in accordance with the consent terms between the parties was rejected by the order dated 20.12.2022, against which an appeal has been filed which has been admitted on 26.02.2024.

3. In the appeal filed by the petitioner before the MRT, the partnership firm has been arrayed as a respondent No.2, through one Mr. Nikhil Doshi. In the present petition also the same position is indicated by the title of the Respondent No.2, which would indicate that the petitioner himself has arrayed M/s. Bonney Enterprises, through partner Nikhil Doshi.

4. The jurisdiction of the Superintendent of land records, is not to make an enquiry in the title. In this case, all that he was required to do was to take into consideration the consent decree passed by the Civil Court and make a mutation entry in his record accordingly, which has been done. The grievance of the learned counsel for the petitioner therefore, considering the above

position cannot be entertained. I therefore do not find any reason to interfere in the impugned order. The petition is dismissed. No costs.

(AVINASH G. GHAROTE, J.)