



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

Writ Petition No.2881/2024
(Vachhalabai V Ku. Nirmala and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.K. Mishra, Senior Advocate a/b Mr. A.M. Sharma, Mr. S.P. Agrawal, Advocates
for the petitioner.

Mr. Atul Pande, Advocate for respondent nos.1 to 5.

Ms. Deepali Sapkal, AGP for State.

CORAM : N.R. Borkar, J.

DATE : 08-10-2024.

This petition takes exception to the order dated
12-04-2024 passed by respondent no.6-Divisional
Commissioner, Nagpur Division, Nagpur in Revision Application
No.8/RTS-64/2023.

ii. I have heard the learned Counsel for the petitioner,
the learned Counsel for contesting respondent Nos.1 to 5 and the
learned AGP for State.

iii. Respondent Nos.1 to 5 are the legal
heirs/representatives of one Ramdas.

iv. This petition arises out of the application made by the
said Ramdas for mutation.

v. The dispute between the parties is in relation to land bearing Survey No.40 at village Gavsi Manapur, Taluka-District Nagpur.

vi. According to the petitioner, the land in question was owned by three brothers i.e. Bajya, Dajya and Kisan. According to her, Bajya and Dajya died issueless and she is the only surviving heir of Kisan. Whereas according to Ramdas, he too was legal heir of one of the owners of land in question.

vii. Though it was never the case of Ramdas that Kisan was unmarried. However, respondent No.6 has recorded the finding in the impugned order that Kisan was unmarried. The order impugned therefore cannot be allowed to stand and the same is set aside. The matter is remanded back to respondent no.6. The respondent no.6 shall decide the Revision Application No.8/RTS-64/2023 afresh within a period of three months from the date of receipt of copy of this order.

viii. All the contentions of the parties are kept open.

(N.R. Borkar, J.)