



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

38 WRIT PETITION NO. 11971 OF 2025

**KHANDU SHESHRAO WAVARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
TAHASILDAR AND OTHERS**

...
Advocate for the petitioner : Mr.H.H.Padalkar
AGP for Respondent-State : Mr.K.N.Lokhande
...

CORAM : ARUN R. PEDNEKER, J.

DATE : 29.09.2025

P.C. :

1] The learned counsel for the petitioner submits that the decree is passed in the year 1986 and the same has been confirmed up till the Hon'ble Supreme Court in the year 2000. The learned counsel for the petitioner further submits that the petitioner has purchased the suit land on 06.01.2023. He further submits that the petitioner is a *bona fide* purchaser of the suit land. The petitioner opposed the execution of the decree. By order dated 18.09.2025, the Tahsildar has passed an order of possession. The learned

counsel for the petitioner relies upon the judgment in the case of **Sadashiv Barku @ Barikrao Kshirsagar & others Vs. The State of Maharashtra & others** in Writ Petition No.6075 of 2023, decided on 10.05.2024, more particularly para no. 32 and submits that the Tahsildar concerned should give an opportunity of hearing before partition is effected. He further relies upon the judgment in the case of **Khemchand Shankar Choudhary Vs. Vishnu Hari Patil and others** reported in **AIR 1983 SC 124**, more particularly para no.7 and submits that the transferees during the pendency of a suit for partition of parts of an estate which is the subject matter of the suit have locus standi to appear before the revenue authorities in proceedings under Section 54 of the CPC and ask for an equitable partition of the lands even though they had not been impleaded as parties to the suit in the civil court.

2] This Court in the case of **Mangla Sharad Mutha & Ors Vs. State of Maharashtra & Ors.** reported in MANU/MH/5204/2023 has held in paras 53 and 59 as under :

53. The Hon'ble Supreme Court in the above order dated 04.12.2023 held that the transferee does not have higher right than the transferor and the transferee cannot be heard independently beyond the judgment debtors/transferors. The Hon'ble Supreme Court has observed that all the objectors who have purchased the suit property after the preliminary decree had attained finality. The transferees have purchased pending litigation and thus have no right to raise their grievances independent of the transferor.

59. the objectors have purchased the suit property after the decree had attained finality and are claiming their right through the judgment debtor **as such they have no independent right beyond the judgment debtor to resist the decree....**

3] In the instant case, the decree is already passed in the year 1986 and the same has been confirmed up till the Hon'ble Supreme Court in the year 2000. The suit property is purchased by the petitioner after the decree has attained finality. The petitioner has no independent right beyond the vendor to resist the decree which has attained finality. As such, I do not see any error in the order passed by the Tahsildar. Hence, the Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE