



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 12760 OF 2024

Vijay Rustamrao Nagare

VERSUS

The State Of Maharashtra  
Through Its Secretary And Others

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- Mr. R. J. Nirmal, Advocate for the Petitioner
- Mr. S. N. Kendre, AGP for the Respondents/State

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CORAM : R. M. JOSHI, J

DATE : SEPTEMBER 15, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.

2. This Petition takes exception to the order passed by the Tahsildar, Aundha Nagnath directing the registration of compromise deed filed in RCS No. 08/2018.

3. Learned Counsel for the Petitioner submits that it is settled position of law that suit for partition does not create any independent right in favour of the parties but it only decides their share in the suit property. It is his submission relying upon the order dated 04.04.2022 passed in Writ Petition No.

2420/2022, Vasant Bhaurao Khodve vs. The State of Maharashtra and Others, that such compromise decree does not require registration.

4. Though learned AGP sought to oppose Petition, he was not able to distinguish said order.

5. Admittedly, suit concerned was for partition. Parties had their right, title and interest in the suit properties. By decree of partition, their shares are determined and no right is created in their favour independently or any right is transferred to them in order to attract provisions of Registration Act. Judgment in case of Vasant Bhaurao Khodve (supra) squarely applies to the present case.

6. In view of the above, Petition stands allowed in terms of prayer clause 'B'. Authorities are directed to effect appropriate mutation entry on the basis of decree passed by Trial Court within a period of three months from today without insisting registration of decree.

(R. M. JOSHI, J.)