IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

12 WRIT PETITION NO. 6798 OF 2025

JAMEER ASHRAB SHAIKH AND ANOTHER
VERSUS
SHAMAT FAKIRMOHMMAD SHAIKH AND OTHERS
...
Mr. Shaikh Joyeb I., Advocate for the Petitioner through VC
....

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 16.06.2025

PER COURT :-

. The petitioners are claiming right in the suit property on the basis of registered will. Consequently, a mutation entry was effected in their favour. Respondent challenged the mutation entry by filing appeal. The Competent Authority i.e., Additional District Collector, Ahmednagar in R.T. S. Appeal No.14 of 2022 set aside the mutation entry with further direction that respective rights of parties shall be governed by decision in pending civil suit.

2. It is not in dispute that respondents have instituted Regular Civil Suit No.12 of 2021 before Civil Court and raised challenge to validity of will. The learned Divisional Commissioner also affirmed the view of the Additional Collector that in such a case rights of the parties have to be governed by verdict in civil proceedings in respect of validity of will.

3. Looking to the aforesaid aspect, when dispute as to the validity of the will is sub judice in Regular Civil Suit No.12 of 2021, the observation of revenue authorities that mutation entry as regards to suit property shall be governed by verdict in suit, cannot be faulted. Pertinently in R.C.S. No.12 of 2021 an order is passed below exhibit-5, wherein Civil Court has granted interim injunction directing petitioners to not to create third party interest on the basis of mutation entry recorded in their favour on the basis of will.

4. Looking to the aforesaid aspects of the matter, no ground is made out to interfere in writ jurisdiction of this Court. In result, writ petition stands dismissed.

[S. G. CHAPALGAONKAR, J.]

HRJadhav