

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15994 OF 2022

Dhakoo Mahadeo Mhaskar
since deceased through his legal heirs
Manasi Dhakoo Mhaskar And Ors. .. Petitioners
Versus
Ramchandra Sadashiv Kudtarkar and Ors. .. Respondents

WITH
WRIT PETITION NO.6690 OF 2023

Sadashiv Ramchandra Kudtarkar (deceased)
through legal heirs Ramchandra Sadashiv
Kudtarkar and Ors. .. Petitioners
Versus
Dhaku Mahadeo Mhaskar and Ors. .. Respondents

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- Mr. H. M. Inamdar, Advocate for Petitioners in Writ Petition No.15994 of 2022 and for Respondents in Writ Petition No.6690 of 2023.
 - Mr. Pralhad Paranjape a/w. Mr. Manish Kelkar, Advocates for Petitioners in Writ Petition No.6690 of 2023.
 - Ms. Tejas Kapre, AGP for Respondent – State of Maharashtra in Writ Petition No.15994 of 2022.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 12, 2025

P.C.:

1. Heard Mr. Inamdar, learned Advocate for Petitioners in Writ Petition No.15994 of 2022 and for Respondents in Writ Petition No.6690 of 2023; Mr. Paranjape, learned Advocate for Petitioners in Writ Petition No.6690 of 2022 and Ms. Kapre, learned AGP for Respondent – State of Maharashtra in Writ Petition No.15994 of 2022.

2. Mr. Inamdar, learned Advocate appears on behalf of Writ Petitioners in Writ Petition No.15994 of 2022 and would submit that in view of the controversy involved in the present Writ Petition, Petitioners have given him instructions to withdraw the present Writ Petition and have instructed him that Petitioners be given leave to file a substantive suit in the Civil Court to seek appropriate declaratory reliefs in respect of their substantive legal and juridical rights in the subject property in respect of which dispute has arisen between the parties in the present Writ Petition, *inter alia*, on account of Mutation Entry.

3. The submission made by Mr. Inamdar is accepted by the Court. Petitioners are granted leave to withdraw the present Writ Petition and file suit as desired by them. All contentions and rights of Petitioners as also private Respondents are expressly kept open to be agitated in the suit including the issue of delay. If Petitioners approach the Civil Court by filing Civil Suit and injunction Application below Exhibit-5, the same shall be decided strictly in accordance with law without being influenced by any of the observations and findings in the impugned order passed in Revenue proceedings and on its own merits.

4. In view of the above order, Writ Petition filed by Respondents namely Writ Petition No.6690 of 2023 does not survive.

5. With the above directions, Writ Petition No.15994 of 2022 and Writ Petition No.6690 of 2023 are disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

HARSHADA
HANUMANT
SAWANT

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by HARSHADA
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