

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 803 OF 2024

Avinash Anil Chougule and Ors.

...Petitioners

V/s.

Smt. Bebitai @ Usha Ravaso
Magdum and Ors.

...Respondents

Mr. Tejpal S. Ingle with *Ms. Priyanka A. Babar for the
Petitioners.*

Mr. Sandeep Koregave with *Ms. Pallavi Karanjkar for
Respondent Nos.1 and 2.*

Ms. Snehal Jadhav, *AGP for Respondent Nos.6 to 10.*

CORAM: SANDEEP V. MARNE, J.

Dated: 21 April 2025.

P.C.:

1) Petition challenges order dated 20 October 2023 passed by the Minister, Revenue, dismissing the revision application preferred by the Petitioners and confirming the order dated 31 January 2023 passed by the Additional Divisional Commissioner, Pune. The Additional Divisional Commissioner had allowed the revision application preferred by the contesting Respondents and has set aside order dated 19 March 2020 passed by the Additional Collector, Sangli, who had allowed Petitioners' appeal

and had directed certification of Mutation Entry No.52956 by taking into consideration the Will allegedly executed in favour of the Petitioners.

2) Perusal of the impugned orders would indicate that *prima facie* findings are recorded by the authorities that the land in question was never a self acquired land of Shri Aadappa Jinappa Chougule. Therefore, even if the registered Will is considered as a genuine and valid document, still right of Aadappa Chougule to execute the Will would still be questionable in the light of assertion on the part of the contesting Respondents that land covered by the Will was never Aadappa's self acquired property.

3) In my view, these are complicated issues which can only be decided by Civil Court. Whether there existed any joint family and whether joint family owned any land would be something, which Civil Court can alone adjudicate. It appears that two of the contesting Respondents have already filed Special Civil Suit No.426 of 2022 in the Court of Civil Judge, Senior Division, Sangli, seeking declaration, partition and injunction against the Petitioners. In that Suit, enquiry with regard to validity of Will would obviously be conducted. The mutation entries would be subject to final outcome of the Suit preferred by the two daughters. In that Suit, Petitioners can demonstrate that the Will is valid and Shri Aadappa Chougule was empowered in law to bequeath his self acquired property to the exclusion of his

daughters. Alternatively, Petitioners can also file a Suit seeking declaration of title in respect of land in question. The orders passed by the revenue authorities as well as mutation entry would obviously be subject to final outcome of Special Civil Suit No.426 of 2022 or any other Suit that Petitioners may file seeking declaration of title. I therefore, do not find any valid reason to interfere in the impugned order. Petition is accordingly disposed of.

4) Needless to observe that findings recorded by the revenue authorities would not come in the way of Petitioners prosecuting /defending a civil suit.

[SANDEEP V. MARNE, J.]