

SUB

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3221 OF 2021
WITH
INTERIM APPLICATION NO.9964 OF 2025
IN
WRIT PETITION NO.3221 OF 2021

Parasnath Rammurti Rai
Versus

.. Petitioner

D.Dahyabhai And Co Pvt Ltd
And Anr

.. Respondents

.....

- Ms. Neeta Karnik, Senior Advocate a/w Mr. Ajit Pitale a/w Mr. Tripathi, Advocates for the Petitioner.
- Mr. Jayesh M. Doshi, Advocate for Respondent No.1.
- Ms. Vaishali Nimbalkar, AGP for Respondent No.2.

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CORAM : MILIND N. JADHAV, J.

DATE : DECEMBER 8, 2025.

P.C.:

1. Heard Ms. Karnik, learned Senior Advocate for Petitioner; Mr. Doshi, learned Advocate for Respondent No.1 and Ms. Nimbalkar, learned AGP for Respondent No.2.

2. At the outset, Ms, Karnik, learned Senior Advocate informs the Court that certain averments made in paragraph No.2.1 of the Petition are required to be deleted as the Petitioner does not press the same. These averments are contained in paragraph No.2.1 at page 3 and are bracketed in red by the Court and endorsed by the Court. While the passing the order dated 1st December, 2025 the said

Application made by Ms. Karnik was duly considered by this Court and the matter was posted for passing appropriate orders on the next date i.e. today. The said sentences on page 3 in paragraph No.2.1 beginning with the words "*There was cordial...*" and ending with the words "*.... is in physical possession of the said land*". are permitted to be deleted forthwith in the presence of the Court. The said deletion is carried out by Ms. Karnik and the concern AO in the presence of the Court and it is initialed by Court. Reverification stands dispensed with.

3. On 1st December, 2025, the following order was passed:-

"1. Heard Ms. Karnik, learned Senior Advocate for Petitioner; Mr. Thakur, learned Advocate for Respondent No. 1 and Ms. Nimbalkar, learned AGP for Respondent No. 2.

2. Present Writ Petition is filed in respect of dispute emanating from RTS proceedings under Section 257 of the Maharashtra Land Revenue Code, 1966, inter alia, pertaining to mutation entry in respect of the subject property.

3. At the outset, Ms. Karnik draws my attention to the Interim Application which has been filed for seeking amendment to the Writ Petition. Writ Petition is not admitted yet. Amendment sought is at pre-admission stage which can always be allowed. Amendment is to the effect that certain statements made in the Writ Petition require to be deleted as they are made inadvertently and without instructions.

4. Writ Petition is not being heard today. However there is one development which is informed by Ms. Karnik and that is both the parties before me i.e. Petitioner and private Respondent have, inter alia, filed cross-Suits against each other in the Civil Court seeking entitlement to the subject property which is the subject matter of present Writ Petition. She would submit that Special Civil Suit No. 682/2014 is filed by Petitioner seeking entitlement on the basis of adverse possession whereas Special Civil Suit No. 593/2016 is filed by private Respondent seeking declaration and injunction in respect of the subject property. Both Suits are being heard by the same Court as informed to me across the Bar.

5. Since Advocate on record for private Respondent is not present, holding Advocate Mr. Thakur persuades me not to

pass any further order and allow Mr. Joshi to remain present on the next adjourned date. Mr. Joshi is directed by this Court to take appropriate instructions as this Court proposes to direct the learned Trial Court to dispose of both the Suit proceedings as expeditiously as possible in accordance with law since they have been pending for more than a decade. The RTS proceedings which are subject matter of present Writ Petition, inter alia, pertaining to mutation entry can always be made subject to the outcome of the twin Suit proceedings before the Civil Court and also subject to status quo being maintained by both parties till the Suits are disposed of. It is trite law that mutation entry does not determine right, title and entitlement of the parties to agricultural properties / lands. They are essentially required to be made for fiscal purposes and in law have corroborative value of secondary and tertiary nature and cannot be considered as a primary document of establishing title to the land. It is held by the Supreme Court in a plethora of cases that they are essentially revenue entries effected on the basis of registered documents or by operation of law. In the present case the substantive title of either of the parties will be decided in the suit proceedings. In that view of the matter, Mr. Joshi is directed by Court to accordingly apprise the Court on the next adjourned date so as to enable this Court to pass appropriate orders in the present Writ Petition. All contentions of both the sides will be expressly kept open. Needless to state that request made by Ms. Karnik regarding amendment to the Writ Petition will also be considered appropriately while passing the final order in the present Writ Petition.

6. In the meanwhile, ad-interim / interim relief if any granted earlier, shall continue.

*7. Stand over to **8th December, 2025** under the caption **"First on Board - for Orders".***

4. Today, Ms. Karnik, learned Senior Advocate for the Petitioner and Mr. Joshi, learned Advocate for Respondent No.1 are present before the Court. In view of the directions contained in paragraph Nos.4 and 5 of the aforesaid order, the present Writ Petition stands disposed of with a direction to the learned Trial Court to dispose of the twin pending Suits as stated herein above as expeditiously as possible and in any event within a period of six months from today.

5. Needless to state that both parties shall maintain *status-quo* in respect of the suit property and the learned Trial Court shall not be influenced by any of the observations and findings made in the impugned order as also in the aforesaid order.

6. Both the Suits shall be determined strictly in accordance with law on the basis of evidence led by plaintiffs and evidence is rebuttal by the defendants therein.

7. All contentions of both the parties *qua* their respective reliefs for entitlement on the basis of cause of action in the twin Suits are expressly kept open.

8. With the above directions, Writ Petition is disposed. Interim Application is also accordingly disposed.

[MILIND N. JADHAV, J.]

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