



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 3 OF 2025

IN

WRIT PETITION NO. 221 OF 2021

Vanessa De Souza

...Review Petitioner

Versus

Hiranandani Properties Pvt. Ltd. and Others ...Respondents

AND

REVIEW PETITION NO. 4 OF 2025

IN

WRIT PETITION NO. 2690 OF 2022

Ali Akbar Jafari

...Review Petitioner

Versus

Hiranandani Properties Pvt. Ltd. and Others ...Respondents

*Mr. Kishor Patil i/b Mr. Sidheshwar N. Biradar for Review Petitioners.
Ms. Asfiya Cutchi i/b J Law Associates for Respondent No. 1.
Mr. Rajesh More (on VC) for Respondent No. 4.
Mr. Sachin S. Gite, Mr. Sarfaraj J. Shaikh for Respondent Nos. 3 to 5.*

Coram : Sharmila U. Deshmukh, J.

Date : June 10, 2025.

P. C. :

1. The Review Petitions have been preferred by the original Petitioners seeking review of the judgment dated 9th October, 2024 being aggrieved by clause (c) of operative part of the order by which mutation entries were directed to be kept in abeyance till the final determination by the Civil Court in civil suits which are pending

between the parties.

2. Mr. Patil, learned counsel appearing for the Review Petitioner would submit that by judgment under review, the petitions were partly allowed and all the orders of the revenue authorities which were against the Review Petitioners were quashed and set aside. He submits that the logical consequence which should follow is that the mutation entry ought not to have been disturbed. He submits that Division Bench of the High Court of Punjab and Haryana in the case of ***Jagjit Singh v. Divisional Commissioner, Patiala***¹ has held that mutation proceedings cannot be kept in abeyance during the pendency of the dispute before the Civil Court and the revenue authorities are duty bound in terms of the statute to enter mutations in discharge of their administrative functions. He submits that in view thereof, the mutation entry should not be kept in abeyance especially since the petitions have been allowed in Petitioner favor.

3. I have considered the submissions and also perused the judgment under review.

4. In Paragraph 24 of the said judgment, I have held that it cannot be lost sight that the mutation entries have presumptive value and where the record of rights demonstrates certification of mutation entry in favor of certain person, the same attains significance in

1 2012 SCC OnLine P&H 13153.

transactions pertaining to the said properties and is often construed as corroborative evidence *qua* the title to the said property, the same view was taken by me in ***Rajiv Surendra Doddanavar v. Madhuri Veerdhaval Chalukya***².

5. In view of the finding which is recorded in the judgment under review, no case of review is made out. The submissions of Mr. Patil amount to ground of Appeal. It is well-settled that the Review cannot be an Appeal in disguise and an erroneous decision can only be corrected by higher forum.

6. In light of the above, I find no reason to review the judgment dated 9th October, 2024.

7. Review Petitions stand dismissed.

[Sharmila U. Deshmukh, J.]

2 Writ Petition No. 7194 of 2021 decided on 3rd April, 2024.