

Salgaonkar

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

WRIT PETITION NO. 11334 OF 2025

Pralhad Narayan Girgosavi alias Pralhad
Shivram Girgosavi & Ors.

.. Petitioners

Versus

Bajirao Omkar Girgosavi & Anr.

.. Respondents

.....

- Mr. S.C.Wakankar with Ms.Aishwarya Bapat, Advocate for the Petitioners.
- Mr.Sachin Khandagale, Advocate for the Respondent No.1.
- Mr.Hamid Mulla, A.G.P. for the Respondent No.2/State.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 06, 2025.

P.C.:

1. This Writ Petition emanates from RTS proceedings. The parties are at loggerhead with each other, inter alia, in view of the partition of the suit properties right since 1963. When parties attempted to exercise their respective coherent rights in the suit property by approaching the statutory authorities, seeking mutation of their names, the mutations were allowed. On such allowing of mutations, the aggrieved parties challenged the said orders. Both parties have exhausted the entire remedy of Appeal and Revision, as contemplated under Schedule E of the Maharashtra Land Revenue Code, 1966 and are before me.

2. In the course of submissions, Mr.Wakankar, in all fairness, informs the Court that the Petitioners have filed RCS Suit No.375 of 2021,which is pending in the trial Court. He would also inform the Court that prior there too, Defendant No.1 filed RCS Suit No.186 of 2020 for the same cause of action. Mr.Wakankar, on instructions, would submit that in view of pendency of substantive civil suits pending adjudication to determine right, title and entitlement of the parties to the suit properties on the basis of the incidents and events which have occurred, inter alia, a partition as also substantive rights of succession, appropriate direction be passed by the Court. It is trite that proceedings coming to this Court in writ jurisdiction cannot be utilised by the parties to seek governance and entitlement of their extant rights in immovable properties on the basis of the mutation entries, unless it is a gross case which requires intervention of the Court. In the given case, when both parties have been agitating their substantive rights of entitlement and interest in the suit properties, the disputed question of facts which emanate before the Court on the basis of the pleadings made in RTS proceedings cannot be gone into by this Court, so as to make the suit proceedings redundant and give an unfair advantage to one of the parties before the Civil Court.

3. In that view of the matter, both the parties are directed to maintain absolute status-quo in respect of the suit properties as on today of as is where is basis until both the aforesaid Regular Civil Suits,

namely, RCS No.186 of 2020 and RCS No.375 of 2021 are decided by the Trial Court. If the said suits are not before the same Court, the parties are at liberty to apply for placing the said suits together to the concerned Court. The said suits are directed to be heard together and the learned trial Court shall determine the course of action. All questions of both the parties are expressly kept open without this Court giving any opinion on the merits of the matter or the substantive rights of either of the parties before the Court.

4. With the above direction, the Writ Petition stands disposed of.

[MILIND N. JADHAV, J.]