

Ajay

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15000 OF 2025

Ladkubai Govind Bandal CA of
Vinayak Vasant Bandal

.. Petitioner

Versus

Valuable Properties Pvt. Ltd. and Ors.

.. Respondents

-
- Mr. Vilas N. Mali a/w. Mr. Dattatraya Devkar, Advocates for Petitioner.
 - Mr. Bapusaheb Dahiphale, AGP for Respondent – State.
-

CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 11, 2025.

P.C.:

1. Heard Mr. Mali, learned Advocate for Petitioner and Mr. Dahiphale, learned AGP for Respondent – State.

2. Mr. Mali has argued the present Writ Petition. He would draw my attention to the impugned order and submit that there are issues between Petitioner and her two brothers namely Kashinath and Laxman. He would submit that Kashinath and Laxman not only inherited the subject property but also profiteered from the same by creating third party rights with the Developer called M/s. Valuable Properties to the exclusion of the substantive right / share of the Petitioner – sister.

3. It is *prima facie* seen that there are three Mutation Entries namely 712, 1921 and 967 which are the subject matter of the

proceedings before the Statutory Authorities. He would submit that the initial two Authorities rejected the contention of Petitioner by rejecting her Application seeking mutation. He would submit that though 32G Order and 32M Certificate under the Maharashtra Tenancy and Agricultural Lands Act, 1948 were granted, however it would enure to the benefit of the entire family since the subject property was cultivated by Kashinath and Laxman on behalf of the family and the concept of joint family will have to be read into the substantive right in the subject property. He would vehemently argue that merely impleading and mutating the names of Kashinath and Laxman in the subject property would not exclude the substantive right of the Petitioner – sister therein.

4. In order to fortify Petitioner's challenge, Mr. Mali would submit that Petitioner also filed Civil Suit for appropriate declaratory reliefs, partition and cancellation of the Sale Deed executed between Kashinath and Laxman on one hand and the Valuable Properties on the other hand being Special Civil Suit No.148 of 2021 before the Civil Judge, Senior Division, Panvel. Once such a Suit is filed, substantive rights of the parties shall be determined in the said Suit proceedings.

5. Needless to state that Mutation Entry will not give any substantive right in priority to Kashinath and Laxman. In that view of the matter, I am not inclined to hear the private Respondents in view

of the aforesaid facts.

6. The request made by Mr. Mali to expedite hearing of the Suit filed by Petitioner deserves to be allowed in the facts and circumstances of the present case.

7. The Mutation Entry No.3009 which has been carried out at present in respect to the subject property shall remain as they are without being disturbed and they shall be subject to the outcome of Special Civil Suit No.148 of 2021 which is to be decided by the learned Trial Court. All contentions of the parties in the Suit proceedings are expressly kept open.

8. The learned Civil Judge Senior Division, Panvel where the aforesaid Suit is pending is directed by this Court to expedite the hearing of the Suit and determine the same as expeditiously as possible and in any event within a period of eight (8) months from today by following the due process of law.

9. Server copy of this order shall be placed before the learned Civil Judge Senior Division, Panvel **on 13th November 2025 at 11:00 a.m.** for him to take cognizance of this order and issue appropriate notice to the concerned parties.

10. With the above directions, Writ Petition is disposed.

[MILIND N. JADHAV, J.]

Ajay

Digitally signed
by AJAY
TRAMBAK
UGALMUGALE
Date: 2025.11.20
14:47:51 +0530