IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1716 OF 2025

(Nago s/o Harba Kherde & Ors. Vs. Bhanudas s/o Chintaman Udapure & Ors.)

Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions and Registrar's Orders.	Court's or Judge's orders.

Ms Seema Dhotre, Counsel for the petitioners.
Ms M.S. Naik, A.G.P. for respondent nos.

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CORAM : ANIL L. PANSARE, J.
APRIL 1, 2025

Heard.

2] Petitioner no.1 executed a gift deed in favour of petitioner nos. 2 and 3 on 26/3/2015, and accordingly, the names of petitioner nos. 2 and 3 were mutated in revenue record, i.e., 7/12 extract.

3] Respondent no.1 objected to the same on the ground that petitioner no.1 had already sold the property to him on 14/6/2002 by executing a registered sale deed. The mutation entry was accordingly set aside by respondent no.3 – Additional Collector vide order dated 13/4/2023.

4] The petitioners challenged the same before respondent no.2 – Additional Commissioner under Section 257 of the Maharashtra Land Revenue Code, 1966, who dismissed the revision for the facts and reasons noted hereinabove.

5] To my mind, the authorities below have, by setting aside the revenue entry, reconciled the record in terms of the documents available before them. Once petitioner no.1 had sold the disputed property to respondent no.1 in June, 2002, there arises no question to gift the said property to petitioner nos. 2 and 3 subsequent to executing sale deed.

6] As such, the learned Counsel for the petitioners submits that the sale deed, so executed, was executed for the purpose of security, however, in absence of challenge to the said sale deed, the petitioners will be bound by the registered document.

7] There is, thus, no substance in the petition. The petition is dismissed in *limine.* No costs.

(ANIL L. PANSARE, J.)

Sumit