



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

CIVIL REVISION APPLICATION NO.8 OF 2025

1. Manohar Lahanuji Rajurkar
Age:70 years, Occu: Agriculturist R/o
Godhani Railway, Old Basti, Nagpur, Tah.
Dist. Nagpur .
2. Arun Ramanrao Rajurkar
Age: 47 years, Occu: Agriculturist R/o
Godhani Railway, Old Basti, Nagpur, Tah.
Dist. Nagpur .
3. Pukhraj Ramanrao Rajurkar,
Age 57 years, Occup. Agriculturist R/o
Godhani Railway, Old Basti, Nagpur Tah.
Dist.Nagpur.
4. Yogeshwar Ramanrao Rajurkar,
Age 58 years, Occup. Agriculturist R/o
Godhani Railway, Old Basti, Nagpur
Tah.Dist.Nagpur.
5. Kavita Raju Diware,
Age 46 years, Occup.Agriculturist R/o
Godhani Railway, Old Basti, Nagpur,
Tah.Dist.Nagpur.
6. Jyotsana Shrikant Dahake, Age 45 years,
Occup.Agriculturist R/o Godhani
Railway, Old Basti, Nagpur,Tah.
Dist.Nagpur.

APPLICANTS

-Versus-

1. Rajendra Bhaurao Lokhande
Age: 71 years, Occu: Business
R/o 07, Near 2nd Bus Stop, Gorley
Layout, Gopal Nagar, Nagpur
2. Tushar Manohar Lokhande
Age: 56 years, Occu: Business
R/o Plot No. 28, Gopal Nagar, Nagpur

NON-
APPLICANTS

Nitin Babanrao Bargat, counsel for the applicant.
Manoj Prabhudas Kariya, counsel for non-applicant Nos.1 and 2

CORAM :MRS. VRUSHALI V. JOSHI, J.

Judgment reserved on :11.07.2025
Judgment pronounced on:28.07.2025

JUDGMENT:-

- 1) Heard.
- 2) **Rule.** Rule made returnable forthwith. This Civil Revision Application is heard finally with the consent of the learned counsel appearing for the parties.
- 3) Being aggrieved against the order dated 01/08/2024 passed by the learned Joint Civil Judge, Senior Division, Nagpur, in Regular Civil Suit No.921/2023, the applicants in civil revision application are before this Court. Vide aforesaid order, the suit filed by the non-applicants-defendants before the Trial Court under Order VII Rule 11 C.P.C. was allowed.
- 4) The facts of the case as projected by the applicants are as follows:-

The applicants own and possess a land situated at Mauza: Godhani (Railway), Ph No. 12, Nagpur Rural Nagpur, survey no.409/2 (old), 448/1 and 447/1 (new) Area 0.50 HR and 0.27 HR. A sale deed has been executed on 06.07.2002 and entry mutated in the revenue record with respect to this land, The non-applicants have admitted the fact regarding purchase of property admeasuring 2017 sq. meters under the aforesaid sale deed. Non-applicant nos. 1 and 2 pleaded to restrain the defendants and their legal heirs or any other person acting on behalf of them from deleting the names of the plaintiffs from 7/12 extract or any other Government Revenue Record of field survey no. 447/1, by filing Regular Civil Suit No. 921/2023 dated 30.07.2023.

- 5) The grounds raised by the applicants are as under:-
 - (a) The instant matter is *sub-judice* before the revenue authority, i.e., Naib Tahsildar under Section 155 of the Maharashtra Land Revenue Code 1966. The jurisdiction of the civil Court is expressly barred.
 - (b) The non-applicants have sought a negative declaration which is not permissible in view of Section 34 of the Specific Relief Act.
- 6) Learned advocate for the applicants, Mr. Bargat, submits that non-applicant nos.1 and 2 cannot claim ownership upon entire land of the present applicants. By joining hands with the present non-applicants, the

revenue authority has illegally and malafidely added additional 2018 sq.mtrs to the record and the said mistake has been corrected at Talathi level. Moreover, the non-applicants attempted to create third-party interest in the said plot of land.

7) It is the contention of the learned counsel for the applicants that the learned Trial Court misinterpreted the provision of the Section 4 of Revenue Jurisdiction Act and Section 158 of the Maharashtra Land Revenue Code 1966. The learned Trial Court wrongly held that since revenue authorities are not party to the suit, therefore the same is maintainable against a private person.

8) Heard the learned counsel appearing for the respective parties.

9) On perusal of the plaint, the prayer made in the Regular Civil Suit No.921 of 2023 is to restrain the defendants from deleting the names of plaintiffs from 7/12 extracts or any other government revenue record. The subject of revenue entries comes under Section 155 of the Maharashtra Land Revenue Code, 1966. There is a bar under Section 158 of the Maharashtra Land Revenue Code as “no suit shall lie against in respect of plaint to have an entry made in any record or register that is

maintained under this Chapter or to have any entry omitted or amended”. As per Section 155, the Collector has the right to correct or to amend any clerical errors and any errors which the parties interested admit to have been made in the record of rights or registers maintained under this Chapter.

10) The non-applicants have stated that the bar is only against the State. Here the plaintiff has admitted that the matter is *sub-judice* before the Tahsildar for correction of entry. The doctrine of *res sub-judice* is applicable in this case. “No order is passed” by Revenue Court cannot be a ground to file the Civil Suit before the Civil Court for praying similar relief in which the Collector is the only authority to correct the revenue record. Without delving in deeper, this ground is sufficient to reject the plaint.

11) The learned counsel for the applicants has relied on the judgment of the Hon’ble Apex Court in the case of ***S.P. Chengalvaraya Naidu (dead) by L.Rs Vs. Jagannath (dead) by L.Rs and ors. reported in AIR 1994 SCC 853*** and in the case of ***Mr.Abdul Wahid Vs.Manish Hansraj Chandaria and anr, reported in 2012 (3) ALL MR 21***. I have gone through the authorities cited by the learned counsel appearing for the non-applicants. The facts of the cases in the said judgments are different

than the facts of the present case. As there is a bar under Section 158 of Maharashtra Land Revenue Code to file a Civil Suit for correction in the entry in revenue record, it comes under Order VII Rule 11 of the Civil Procedure Code. The trial Court has not considered this ground while rejecting the application. Hence, interference at the hands of this Court is required. The order passed in Regular Civil Suit No.921 of 2023 by the learned Joint Civil Judge Senior Division, Nagpur is hereby set aside.

12) The Civil Revision Application is allowed and disposed of.

13) Rule accordingly.

(MRS.VRUSHALI V. JOSHI, J)