



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

59 WRIT PETITION NO. 11044 OF 2025

ARCHANA GOVIND MUDGIRE  
VERSUS  
RAMESH GANPATI MUDGIRE AND OTHERS

...

Mr. S. R. Bagal h/f Mr. B. N. Gadegaonkar, Advocate for the Petitioner  
Mr. S. S. Bora, Advocate for Respondent No.1

CORAM : S. G. CHAPALGAONKAR, J.

DATE : 5<sup>th</sup> JANUARY, 2026

P.C. :-

1. Heard learned Advocate for the Petitioner.
2. The present Writ Petition takes exception to the order dated 19.07.2025 passed by Civil Judge, Senior Division, Gangakhed in R.C.S. No. 334 of 2007, whereby prayer of Petitioner/original Defendant No.1/4 for framing additional issues has been declined.
3. The Petitioner is Defendant in R.C.S. No. 334/2007. The Respondent No.1- original plaintiff has instituted suit seeking recovery of possession of land admeasuring 91 R, which according to respondents, has been encroached by the Petitioner. The Petitioner took a stand that the Plaintiff seeks to take a benefit of incorrect revenue records. The litigation concerning the correctness of the revenue entries is already sub judice before this Court in Writ Petition No. 268/2025.

4. The fact remains that the parties are litigating over the correctness of the revenue records in independent proceedings. In this backdrop, Petitioner/Defendant filed an application seeking to frame two additional issues;

*(i) Whether there is mistake in 7x12 extract of plaintiff and defendant in Gut Nos. 20, 21, 22 and 59 situated at Masnerwadi ?*

*(ii) Whether after passing order by District Superintendent of Land Record, Parbhani in respect of land Gut Nos. 20, 21, 22 and 59 situated at Masnerwadi since 1969 is canceled then this Court is having right and jurisdiction to entertain the suit and relief sought for?*

5. The Trial Court, after considering submissions advanced by respective parties, observed that the issues which are already framed takes care of the controversy between the parties. The issues as to the correctness of orders passed by the revenue authorities is subject matter of parallel proceeding pending before the Court. In that view of the matter, framing of additional issues is not necessary. It is trite that the correctness of revenue records or validity of proceedings taken up under provisions of the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 cannot be examined or determined by the Civil Court.

6. The limited issue raised in present suit relates to the alleged encroachment of land and right of the plaintiff over encroached portion. Apparently, Trial Court has rightly framed issues on the basis of pleadings, controversy discernible between parties. The additional issues which are proposed would fall beyond domain jurisdiction of the Civil Court. In that view of the matter, Trial Court was justified while rejecting the prayer of the petitioner for framing of additional issues. No jurisdictional error is pointed out in the impugned order. In view of this, writ petition stands rejected.

**(S. G. CHAPALGAONKAR, J.)**

ssp