

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4004 OF 2024
WITH
INTERIM APPLICATION NO.909 OF 2026
IN
WRIT PETITION NO.4004 OF 2024

Kamlakar Krushnaji Narangikar and Ors. .. Petitioners

Versus

Dattatray Shankar Mokhal and Ors. .. Respondents

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- Mr. Hemant P. Ghadigaonkar, Advocate for Petitioners.
 - Ms. P. J. Gavhane, AGP for Respondent Nos.2 to 4.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 17, 2026

P.C.:

1. Heard Mr. Ghadigaonkar, learned Advocate for Petitioners and Ms. Gavhane, learned AGP for Respondent Nos.2 to 4.

2. Interim Application is filed for bringing on record legal heirs of deceased Petitioner Nos.2 and 8 on record. For the reasons mentioned in the Application, Interim Application stands allowed in terms of prayer clause (a). Necessary amendment is permitted to be carried out within a period of one week from today. Reverification stands dispensed with. Delay, if any, stands condoned.

3. The Advocate on record for Petitioners in the present case is Ms. Saili N. Dhuru. Mr. Ghadigaonkar enters appearance on behalf of Petitioners and informs the Court that he has been instructed by the

Petitioners to represent and espouse their cause in the present Petition. He would submit that he undertakes to file Vakalatnama within a period of one week from today positively. That leave is granted to Mr. Ghadigaonkar to file his Vakalatnama. Registry shall accept his Vakalatnama on behalf of Petitioners.

4. Petition assails orders passed in RTS / Revenue proceedings, inter alia, pertaining to Mutation Entry. Mr. Ghadigaonkar after taking instructions informs the Court that Petitioners have themselves filed a substantive civil Suit bearing No.RCS No.136 of 2019 in the Civil Court seeking appropriate declaratory reliefs in respect of the lands which are the subject matter of RTS / Revenue proceedings and mutation entry herein. He would submit that in that view of the matter and the fact that Mutation Entry will not govern and establish title of the parties to the suit / subject land, appropriate orders be passed by the Court.

5. I agree with the submissions made by Mr. Ghadigaonkar. Mutation Entries are essentially meant for fiscal purposes and revenue record and they are not an indicator rather primary indicator of the title of the holder and have secondary and corroborative value otherwise. In the given case when Petitioners themselves have filed substantive Civil Suit seeking declaratory reliefs in respect of the suit / subject land and the same is pending before the learned Trial Court,

this Court in the present Writ Petition cannot enter into arena for determining disputed questions of facts so as to determine entitlement of Petitioners and private Respondent to the subject land lest any observation made by the Court will affect the rights of parties to the Suit proceedings.

6. Needless to state that all disputes of parties governing their title shall be determined in the pending Civil Suit in accordance with law. Keeping all contentions of the parties expressly open, the parties namely Petitioners and private Respondent before me are directed by this Court to maintain *status quo* in respect of the subject land and in regard to the Mutation Entry which is the subject matter of present challenge.

7. It is further directed that said Mutation Entry or orders passed subsequently thereafter in RTS proceedings culminating in the order under challenge shall be subject to the outcome of Regular Civil Suit No.136 of 2019. Learned Trial Court shall determine the said Suit in accordance with law without being influenced by any of the observations and findings made in the orders passed by statutory Officer in RTS proceedings. Suit shall be determined strictly on the basis of evidence and evidence in rebuttal of the respective parties thereto and depending upon outcome of the Suit, parties shall be entitled to make appropriate Application before the statutory Officers /

Authorities for seeking mutation of their names qua the subject land.

8. Considering the fact that Suit is pending since the year 2019, I am also inclined to accept the request made by Mr. Ghadigaonkar for giving direction to expedite the suit proceedings. In that view of the matter, Regular Civil Suit No.136 of 2019 is directed to be expedited and determined as expeditiously as possible and in any event within a period of eight months from today.

9. Copy of this order shall be placed before the learned Trial Court on 20.02.2026 at 11:00 a.m. for the learned Trial Court to take cognizance of this order and determine hearing of the subject suit proceedings in accordance with law according to its convenience and diary.

10. Keeping all contentions of the parties expressly open and without giving any imprimatur on the merits, Writ Petition is disposed. Pending Interim Application is also disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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