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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1494 OF 2026

Anant Janardan Gharat and Ors.

.. Petitioners

Versus

Prasad Posu Gharat and Ors.

.. Respondents

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- Mr. Rahul Thakur a/w. Mr. Abhishek Bhojane, Advocates for Petitioners.
 - Ms. Apurva P. Thipasay, 'B' Panel Counsel for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 03, 2026.

P.C.:

1. Heard Mr. Thakur, learned Advocate for Petitioners and Ms. Thipasay, learned 'B' Panel Counsel for Respondent – State.
2. The directions contained in the operative clauses 2 and 3 of the impugned order dated 26.07.2024 passed by the DILR alongwith the Appeal and directing correction of the Revenue Records is directly in the teeth of the settled judgment of the Civil Court in Regular Civil Suit No.4 of 1997 dated 29.04.2004 which is upheld by the District Court in Appeal No.47 of 2005 and which has attained finality. After failing in their endeavour, the private Respondents embarked upon an ingenious method by challenging the Mutation Entry and the DILR has by his order dated 19.04.2023 shockingly condoned the delay of 58 years without adherence to the above fact that private Respondents

had comprehensively lost in the Civil Suit which was instituted by them for partition orders which are alluded to herein above. Once this is the position emanating from the record, the learned AGP is directed to take immediate instructions from the concerned Officer who has passed the impugned orders and file reply.

3. It is *prima facie* seen that the Deputy Director of Land Records in further Appeal has upheld the order condoning the delay as well as the order on merit passed by the DILR without adhering to the aforesaid. Once there is a categorical finding in the decree of the Civil Court that the Suit property is self-acquired property of the Petitioners by personal means and the said judgment having attained finality, the orders passed by the State functionaries which are assailed in the present case cannot be sustained.

4. Ms. Thipasay, learned 'B' Panel Counsel appears on behalf of the State. She is directed take immediate instructions and apprise the Court accordingly failing which this Court will have to step in and pass appropriate orders to determine the present Writ Petition.

5. Impugned order is stayed. In view of the above, issue notice to private Respondents. Humdast permitted.

6. In addition to Court notice, Petitioners are permitted to serve copy of Writ Petition and this order on the private Respondents and inform them about the next date of hearing by any permissible mode of

service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

7. After receiving notice, private Respondents are directed to remain present in Court on the next adjourned date through their representative or through Advocate to answer the present Writ Petition.

8. Private Respondents are directed to take cognizance of this order and file Affidavit-in-Reply on or before the next date, if so desired. Copy of the same shall be served on the other side in advance.

9. Stand over to **17th February 2026**. To be placed under the caption '**First on Board**'.

[MILIND N. JADHAV, J.]

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