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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1923 OF 2026

Baban Dharma Bhoir and Ors.

.. Petitioners

Versus

Santosh Sitaram Bhoir and Ors.

.. Respondents

-
- Mr. Dushyant S. Pagare, Advocate for Petitioners.
 - Mr. Vishal Patil a/w. Afsar Ansari, Advocates for Respondent Nos.1 to 4 and 7 to 13.
 - Mrs. Vaishali Nimbalkar, AGP for Respondents – State.
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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 23, 2026.

P.C.:

1. Heard Mr. Pagare, learned Advocate for Petitioners; Mr. Patil, learned Advocate for Respondent Nos.1 to 4 and 7 to 13 and Mrs. Nimbalkar, learned AGP for Respondents – State.

2. On 16.02.2026, after hearing learned Advocates, this Court passed the following order:-

“1. Matter is taken up at the time of rising due to the urgency mentioned by Ms. Yewale, learned Advocate for Petitioners.

2. Heard Ms. Yewale, learned Advocate for Petitioners and Mr. More, learned AGP for State.

3. Lis in the present matter pertains to the dispute with respect to mutation of names of the parties. There are two orders in favour of the Petitioners whereas two orders are in favour of private Respondents. Prima facie it appears that parties are all relatives. Entitlement is sought by the parties on the basis of mutation entry in the revenue record. It is prima facie seen that Regular Civil Suit No. 107 of 2023 has been filed by Petitioners against Respondent Nos. 1 to 4 and Respondent

Nos. 7, 8 and 11 who are private Respondents which is pending before the Court of Civil Judge Junior Division, Kalyan. Appropriate order to be passed in such a case will be to determine the pending Civil Suit proceedings which will determine the substantive rights and entitlement of the parties. No purpose whatsoever would be served by issuing notice to the Respondents in the present Petition and keeping the Petition pending in this Court.

4. Considering the trajectory of the four orders which would be argued by the respective parties passed between 2011 and 2025, learned Advocate for Petitioners shall take appropriate instructions and accordingly apprise the Court on the next adjourned date. It is made clear that mutation entry does not determine and establish the title of the parties to the subject lands or even their shares in the same for that matter.

*5. Stand over to **23rd February, 2026** under the caption "**First on Board**".*

3. Today, Mr. Pagare enters appearance on behalf of Petitioners. He would submit that the *lis* essentially requires to be adjudicated by the learned Trial Court. However he would submit that considering the substantiveness of the four orders which are referred to by the Court in its previous order which give their individual imprimatur on merits of Petitioners' case as also the case of private Respondents, it would be appropriate if the Court directs that while deciding the Suit proceedings, the learned Trial Court should not be influenced with any of the observations and findings therein. This statement of Mr. Pagare is correct and deserves to be accepted. I have perused the four orders which have been passed by the State functionaries between 2011 and 2025 resultantly leading to filing of the present Writ Petition.

4. It is clear that Mutation Entry does not establish and determine title of the parties and the same shall be subject to the outcome of the Civil Suit i.e. Regular Civil Suit No.107 of 2013 (wrongly referred to 'Regular Civil Suit No.107 of 2023' in the previous order) which has been filed by Petitioners against Respondent Nos.1 to 4, 7, 8 and 11 before me.

5. Hence, it is directed that the outcome of the above Suit proceedings shall determine the title of the parties to the subject property and accordingly appropriate Mutation Entry thereafter shall be effected by the State functionaries in accordance with law on appropriate Application being made by the concerned party.

6. Keeping all contentions of the parties expressly open, the learned Trial Court is directed to expedite the hearing of Regular Civil Suit No.107 of 2013 and determine the same as expeditiously as possible and in any event within a period of eight (8) weeks from today.

7. In the meanwhile, the orders passed in RTS proceedings, shall stand stayed and be subject to the outcome of the Suit proceedings.

8. Writ Petition is disposed in the above terms.

[MILIND N. JADHAV, J.]

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