

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

930 WRIT PETITION NO. 12129 OF 2015

ANNA NAMDEO MORE AND OTHERS
VERSUS
KADUBA DHONDIBA MORE AND ANOTHERS

Shri. Girish B. Kulkarni, Advocate, for petitioners.

CORAM: T.V. NALAWADE, J.

DATE : 30 SEPTEMBER 2016

ORDER:

1) The petition is filed to challenge the order made by the learned Civil Judge, Junior Division, Jafrabad on application filed at Exhibit 58. The application was filed for issuing witness summons against the Talathi as there is grievance in respect of one mutation made in the revenue record. The suit is filed for relief of declaration that the plaintiffs are owners of the suit property. It appears that one mutation is made in the revenue record due to which name of present petitioner No.5 Gangubai was deleted from the revenue record without giving her notice.

2) This circumstance can be addressed by the Civil Court while considering the relief of declaration claimed by petitioner No.5. If she is able to prove that she is owner or she has share in the suit property, then such declaration will be giving right to her to see that her name is entered in the revenue record accordingly. In view of these circumstances, this court holds that it is not necessary to interfere in the made by the trial Court by which the witness summons against the Talathi is refused. The petition is disposed of in aforesaid terms.

Sd/-
(T.V. NALAWADE, J.)

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