

IN THE COURT OF DEPUTY COMMISSIONER UTTARA KANNADA KARWAR

Present: Sri. S S Nakul, I.A.S
Deputy Commissioner,
Uttar Kannada, Karwar.

No. RB/RTR/CR-8/15-16

Between

1. Sri. Dinanath Fakir Rane
R/o 2 Hayground court, Morganville N J 07751
United States of America
(Represented through Advocate Sri S. K. Pawar)

.... Revision Petitioners

V/s

1. Sri. Damodhar Fakir Rane
R/o Mudgeri, Tq: Karwar
2. Tahashildar Karwar
3. Revenue Inspector Mudgeri, Karwar

.... Respondent

Sub: Revision petition filed u/s 136(3) of KLR Act 1964 against the Assistant Commissioner, Karwar order no. RTS/AP/CR-99/2012-13 dated: 27-06-2014 in respect of Mutation Entry no. 9554 of Mudgeri village in Karwar Taluk.

Preamble:

The instant revision petition has been filed against the order of Assistant Commissioner, Karwar in file no. RTS/AP/CR-99/2012-13 dated: 27-06-2014. Notices were issued to both parties.

The brief facts of the case are as follows:

The suit property belonged to one Late. Fakir Sanu Rane who was the father of revision petitioner Sri. Dinanath Fakir Rane and respondent Sri. Damodhar Fakir Rane. After his death at the time of Legal heir mutation entry no. 9554, Sri. Dinanath Fakir Rane was not considered as legal heir and mutation was affected in the name of respondent only. Since this property was family property all legal heirs are having equal rights. Against this revision petitioner filed appeal before Assistant Commissioner, Karwar and who in his order dated: 27-6-2014 rejected the appeal. Being aggrieved by this order the revision petitioner filed the instant revision petition before this court.

The advocate for the appellat argued that

1. The order passed by Assistant Commissioner, Karwar contrary to law and facts of the case.
2. Assistant Commissioner, Karwar has not given proper reasons while rejection of revision petition. The appellat was holding dual citizenship. The Assistant Commissioner, Karwar did not give proper opportunity to submit the documents.
3. While effecting Mutation entry no. 9554 the Revenue Inspector failed to note that the appellat Sri. Dinanath Fakir Rane and Respondent No. 1 Sri. Damodar Fakir Rane are brothers and legal heirs of Late. Fakir Sanu Rane.
4. Assistant Commissioner, Karwar failed to consider dual citizenship of Revision petitioner.
5. The Tahashildar Karwar and Revenue Inspector Savantwada have failed to consider the genuine right of the appellat.

6. The order passed by Assistant Commissioner, Karwar is not proper and matter may be demanded to Tahashildar Karwar to fresh enquiry to enter to the names of all legal heirs of Late. Fakir Sanu Rane. Hence he requested to allow the revision petition.

No advocate was presented from respondent side

The respondent No. 1 Damodar Fakir Rane who is present resident of Pune, Maharashtra sent an affidavit mentioning to enter the names of all legal heirs in the property of his father Late. Fakir Sanu Rane.

After perusal of the lower court records and written argument of both parties it reveals that the suit property belongs to all legal heirs of Late. Sri. Fakir Sanu Rane. During the time of effecting Mutation entry no. 9554 only the respondent name was entered in record of rights living behind all legal heirs. The revision petitioner moved an application only to mutate his name in the suit property. But respondent No.1 Sri. Damodar Fakir Rane has given is concerned in affidavit before this court that he has no objection to include the names of all Brothers and Sisters collectively for the above mentioned property. Hence I proceed the following order.

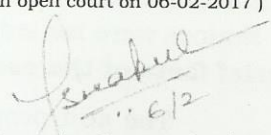
No. RB/RTR/CR-8/15-16

Date:06-02-2017

Order

Appeal is allowed. Mutation entry No. 9554 is cancelled Thasildar is directed to enter the name of all legal heirs of late Fakir Sanu Rane.

(Order dictated to the Stenographer, got computerized, verified and pronounced in open court on 06-02-2017)


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**Deputy Commissioner,
Uttar Kannada, Karwar**