



Received On	06/05/2019.
Registered On	06/05/2019.
Decided On	25/03/2026.
Duration	DD/MM/YY

In the Court of Shri Athar S KHAN, Principal Civil Judge &
Judicial Magistrate.

Taluka : Sojitra, Dist : Anand.

Exh :

REGULAR CIVIL SUIT : 14/2019

In the matter of :-

- [1] Kashiben w/o Jagdishbhai Patel.
Aged : 72, Occu. : Household.
- [2] Smitaben d/o Jagdishbhai Patel.
Aged : 38, Occu. : Household.
- [3] Yaksheshkumar Jagdishbhai Patel.
Aged : 34, Occu. : Agriculture / Job.
Residing at : 16, Bhagyalaxmi Society,
Guar no kuwo, Gayatri Mandir,
Maninagar, Ahmedabad. Plaintiffs.

V/S

- [1] Jyantibhai Kashibhai Patel.
Aged : Adult, Occu. : Not Specified.
Residing at : Devataj, Sojitra, Anand.
- [2] Legal Heirs of Late Ramanbhai Kashibhai Patel.

- (2.1) Virbalaben Ramanbhai Patel
(died during trial and abated vide exh : 29)
- (2.2) Pareshbhai Ramanbhai Patel.
Aged : Adult, Occu. : Agriculture.
- (2.2) Shaileshbhai Ramanbhai Patel.
Aged : Adult, Occu. : Agriculture.
Residing at : B/80, Bhaudip Vibhag,
Ashopalav Society, Nr. Ghanshyam Vijay
Society, Vatva, Ahmedabad.
- [3] Legal heirs Mahendrabhai Kashibhai Patel.
- (3.1) Ramilaben Mahendrabhai Patel.
Aged : Adult, Occu. Household.
- (3.2) Vishalkumar Mahendrabhai Patel.
Aged : Adult, Occu. Agriculture.
- (3.3) Alpeshbhai Mahendrabhai Patel.
Aged : Adult, Occu. Agriculture.
Residing at : Devataj, Sojitra, Anand.
- [4] Rajubhai Kashibhai Patel.
Aged : Adult, Occu. Agriculture.
Residing at : Shahda, Lonkhedo,
Mahalaxmi Restaurant, Ta. Dist. Nandrula,
Maharashtra.
- Defendants.

Subject : Suit for Partition with consequential relief of Injunction.

Ld. Adv. for the Plaintiff.	Shri S.G.PATEL
Ld. Adv. for the Defendants	Shri M.J.DHOBI.

JUDGMENT

- 1 The concise statement of the facts of the case of plaintiff is that they have been residing at the above mentioned address. The plaintiffs submit that the properties bearing block survey no. 25/3 along with block survey no. 109/A along with block survey no. 123/2 along with block survey no. 418/2 are situated at village : Devataj, Ta. Sojitra, Dist. Anand. The plaintiffs further submit that the said properties are ancestral properties and are still not partitioned and recorded in joint names. The plaintiffs further submit that their father Late Jagdishbhai Kashibhai Patel left the village : Devataj for the purpose of livelihood and thereby started living at the addresses stated in the memo of the plaint. The plaintiffs further submit that the suit properties are ancestral properties which are still not partitioned. The plaintiffs further submit that their names are mutated in the revenue records of the suit properties after the demise of their father. The plaintiffs further submit that the defendants are not furnishing the details of account for the last 12 months and also not giving their share in the said cultivation. The plaintiffs further submit that they have asked their 1/5 share in the suit properties from the defendants but the defendants are not willing to give any share in the suit properties and therefore they have filed the present suit for seeking partition of 1/5 share in the suit properties and further the possession of the said 1/5 share in the suit properties and for other consequential relief mentioned in the para 9 of the plaint.

- 2 The defendants no. 1 have categorically denied the entire case of the plaintiff by filing a written statement vide exh : 30. The defendants no. 2(2), 2(3) and 4 have adopted the reply of the defendant no. 1 and the same is declared by them on pursis vide exh : 31. The defendants no. 3(1) to 3(3) have not filed the written statement and therefore their right to file written statement was closed by the then ld. Judge on dt. 06/10/2021. The defendants submit that the present suit is misconceived and devoid of legal merit and, as such, is liable to be dismissed. The defendants further submit that the plaintiffs have shown wrong four side directions in the plaint. The defendants further submit that the plaintiffs have not produced the family pedigree and therefore the legal heirs shown in the plaint cannot be believed. The defendants further submit that there is no dispute that the suit properties are ancestral properties. The defendants further submit that the plaintiffs are residing at Ahmedabad since many years and they have not presented themselves for the cultivation of the suit properties. The defendants further submit that the plaintiffs have even not preferred notice which is required by law asking for partition. The defendants further submit that the residence addresses of the plaintiffs itself shows that they are not residing at village : Devataj. The defendants further submit that if the suit properties are partitioned then there would be breach of fragmentation act. The defendants further submit that the suit properties are jointly valued at Rs.8,62,704/- and therefore the suit properties are to be stamped at the said value of Rs. 8,62,704/- which is not done by the plaintiffs. The defendants further that the plaintiffs are not entitled for the reliefs as prayed for and therefore

the defendants prayed the court to dismiss the present suit with costs of Rs. 15,000/-.

- 3 The plaintiffs have further categorically denied the entire case of the defendants and has filed counter affidavit vide exh : 32 wherein the plaintiffs have denied the contents of the written statement of the defendants. The plaintiffs further submit that they have paid the required the stamp for the plaint. The plaintiffs further submit that the issue regarding the fragmentation act does not bar the suit for partition and the issue regarding the fragmentation can be taken care at the time of partition. The plaintiffs further submit that the defendants have filed the written statement only to harass the plaintiffs and therefore the said written statement should not be considered.
- 4 The following oral evidence in the form of examination in chief have been produced from the side of the plaintiffs which is as under :

Sr.no.	Particulars	Ex	Date
1.	Examination in chief of the plaintiff no.3 (Yaksheshkumar Jagdishbhai Patel)	41	11/03/24

- 5 The following documentary evidence have been produced from the side of the plaintiffs which are ordered to be exhibited and are produced as under :

Sr.no	Particulars	Exh
1.	Copy of the village sheet 8A for block no. 21 for village devataj.	48
2.	Copy of the village sheet 7 for the suit property bearing no. 25/3 situated at village devataj.	49
3.	Copy of the village sheet 7 for the suit property	50

	bearing no. 109/A situated at village devataj.	
4.	Copy of the village sheet 7 for the suit property bearing no. 123/2 situated at village devataj.	51
5.	Copy of the village sheet 7 for the suit property bearing no. 418/2 situated at village devataj.	52
6.	Copy of the entry no. 3640 in the revenue record.	53
7.	Copy of the entry no. 3845 in the revenue record.	54
8.	Copy of the entry no. 6095 in the revenue record.	55
9.	Copy of the entry no. 5214 in the revenue record.	56

- 6 For the determination of this case, the following issues were framed vide exh : 39 on dt. : 03/01/2024 which are as under :

ક્રમ	વિગત
૧.	શું વાદી સાબિત કરે છે કે, ગામ દેવાતજ તા. સોજીત્રામાં આવેલ ખાતા નં. ૨૧ માં સર્વે નં. ૨૫/૩ તથા સર્વે નં. ૧૦૮/અ તથા સર્વે નં. ૧૨૩/૨ તથા સર્વે નં. ૪૧૮/૨ વાળી જમીનમાં તેમનું ૧/૫ ભાગ આવેલ છે ?
૨.	શું પ્રતિવાદીઓ સાબિત કરે છે કે, વાદી ના દાવાને ટુકડા ધારાનો બાદ નડે છે ?
૩.	શું પ્રતિવાદીઓ સાબિત કરે છે કે, વાદીએ ઓછી કોર્ટ ફી ભરેલ છે ?
૪.	શું વાદીને માંગ્યા મુજબની દાદ મળવાપાત્ર છે ?
૫.	શું હુકમ કે હુકમનામું ?

- 7 My decision upon such issues are :

Issues	Outcome
1.	Affirmative.
2.	Negative.
3.	Negative.
4.	Partly Affirmative.

5.	As per final order.
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➤ Final Arguments :

- 8 Before proceeding to the points for determination, the court notes that the learned Advocate for the plaintiffs submitted written final arguments vide exh. 63, wherein the plaintiffs reiterated and elaborated upon his pleadings and evidence and prayed for allowing the present suit. The learned Advocate for the defendants, on the other side, has submitted oral arguments and have prayed for rejecting the suit of the plaintiff.

: Reasons for the Decision :

❖ ISSUE NO : 1.

- 9 The burden to prove this issue lies on the plaintiffs. In this regard, this court finds it appropriate to first refer to sections 101 and 102 of the Indian Evidence Act, 1872, which lay down the foundational principles of burden of proof.

“ 101. Burden of proof : Whoever desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person. ”

“ 102. On whom burden of proof lies : The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.”

- 10 This court is of the view that the specific case of the plaintiffs is that the suit properties bearing block survey no. 25/3, 109/A, 123/2 and 418/2 situated at village : Devataj were originally standing in the name of their father i.e. Late Kashibhai Zaverbhai Patel and after his demise, the names of the legal heirs of came to

be mutated in the revenue records. This court is further of the view that in pursuant of the said mutation name of the father of the plaintiffs as well as father of defendants no. 2 and 3 as well as name of the defendant no. 1 and 4 were mutated in the revenue records. The said mutation entry has been produced in the suit vide exh : 54. This court is further of the view that after the demise of the father of the plaintiffs, their names came to be mutated in the revenue record and the said mutation entry has been produced in the suit vide exh : 55. The plaintiffs have further contended that the suit properties are still joint and unpartitioned and despite demand, the defendants have failed to give their lawful share, thereby constraining them to file the present suit. In order to substantiate their case, the plaintiff no. 3 has entered into the witness box at exh : 41 and has reiterated the contents of the plaint. This court is further of the view that the said oral evidence is duly corroborated by documentary evidence produced at exh : 48 to exh : 52 i.e. village sheet 8A and 7 pertaining to the suit properties and exh : 53 to exh. : 56 i.e. mutation entries, which clearly establish that prior to the demise of the father, the suit properties were standing in his name and thereafter the names of all legal heirs came to be entered in the revenue record. The defendants have, in their written statement, not disputed that the suit properties were standing in the name of their father and that after his demise, the names of legal heirs have been mutated. It is also not in dispute that the suit properties have not been partitioned till date. Thus, from the oral as well as documentary evidence on record, this court is of the view that the suit properties have devolved upon the plaintiffs and defendants after

the demise of their father and they are in joint possession as co-owners.

- 11 At this stage, it becomes necessary to consider the applicability of Section 8 of the Hindu Succession Act, 1956, which reads as under :

“ 8. General rules of succession in the case of males : The property of a male Hindu dying intestate shall devolve according to the provisions of this Chapter—

(a) firstly, upon the heirs, being the relatives specified in class I of the Schedule;

(b) secondly, if there is no heir of class I, then upon the heirs, being the relatives specified in class II of the Schedule;

(c) thirdly, if there is no heir of any of the two classes, then upon the agnates of the deceased; and

(d) lastly, if there is no agnate, then upon the cognates of the deceased.”

- 12 A conjoint reading of Sections 8, 9 and 19 of the Act makes it clear that upon the death of a male Hindu intestate, the property devolves upon Class I heirs simultaneously, and such heirs hold the property as tenants-in-common with definite shares.

- 13 In this regard, the Hon'ble Supreme Court of India in the case of Commissioner of Wealth Tax vs. Chander Sen AIR 1986 SC 1752 has held as under :

" It is necessary to bear in mind the Preamble to the Hindu Succession Act, 1956. The Preamble states that it was an Act to amend and codify the law relating to intestate succession among Hindus.

In view of the preamble to the Act, i.e., that to modify where necessary and to codify the law, in our opinion it is not possible when schedule indicates heirs in class I and only includes son and does not include son's son but does include son of a predeceased son, to say that when son inherits the property in the situation contemplated by section 8 he takes it as karta of his own undivided family. The Gujarat High Court's view noted above, if accepted, would mean that though the son of a predeceased son and not the son of a son who is intended to be excluded under section 8 to inherit, the latter would by applying the old hindu law get a right by birth of the said property contrary to the scheme outlined in section 8. Furthermore as noted by the Andhra Pradesh High Court that the Act makes it clear by section 4 that one should look to the Act in case of doubt and not to the pre-existing Hindu law. It would be difficult to hold today the property which devolved on a Hindu under section 8 of the Hindu Succession would be huf in his hand vis-a-vis his own son ; that would amount to creating two classes among the heirs mentioned in class I, the male heirs in whose hands it will be joint Hindu family property and vis-a-vis son and female heirs with respect to whom no such concept could be applied or contemplated. It may be mentioned that heirs in class I of Schedule under section 8 of the Act included widow, mother, daughter of predeceased son etc. Before we conclude we may state that we have noted the observations of Mulla's Commentary on Hindu law 15th Edn. dealing with section 6 of the Hindu Succession Act at page 924-26 as well as Mayne's on Hindu Law, 12th Edition pages 918-919.

The express words of section 8 of The Hindu Succession Act, 1956 cannot be ignored and must prevail. The preamble to the Act reiterates that the Act is, inter alia, to 'amend' the law, with that background the express language which excludes son's son but included son of a predeceased son cannot be ignored.

- 14 Further, in Yudhistir Vs. Ashok Kumar (1987) 1 SCC 204, the Hon'ble Supreme Court reiterated the legal position as under :

“ This question has been considered by this Court in CWT vs. Chander Sen where one of us (Sabyasachi Mukharji, J.) observed that under the Hindu law, the moment a son is born, he gets a share in father's property and becomes part of the coparcenary. His right accrues to him not on the death of the father or inheritance from the father but with the very fact of his birth. Normally, therefore whenever the father gets a property from whatever source, from the grandfather or from any other source, be it separated property or not, his son should have a share in that and it will become part of the joint Hindu family of his son and grandson and other members who form joint Hindu family with him. This Court observed that this position has been affected by Section 8 of the Hindu Succession Act, 1956 and, therefore, after the Act, when the son inherited the property in the situation contemplated by Section 8, he does not take it as karta of his own undivided family but takes it in his individual capacity."

- 15 Recently, in Uttam vs Saubhag Singh & Ors Civil Appeal no. 2360/2016, the Apex Court in its judgment delivered on 02.03.2016 has even held that on a conjoint reading of Section 4, 8 and 19 of the Act, after joint family property has been

distributed in accordance with Section 8 on principles of intestacy, the joint family property ceased to be joint family property in the hands of various persons who have succeeded to it as they hold the property as tenants in common and not as joint tenants.

- 16 Thus, it is well settled that devolution under section 8 is by succession and not survivorship, each heir acquires a definite share, and the heirs become co owners holding property in their individual capacity. In the present case, the plaintiffs are not claiming any right by birth during the lifetime of his father. On the contrary, it is an admitted position that the father has expired intestate in year 1986 and thereafter the suit properties have devolved upon all the legal heirs. Therefore, the plaintiffs and defendants derive their title from the same source i.e. succession under section 8 of the Hindu Succession Act and stand as co-owners having definite shares. It is a settled principle that every co owner is entitled to seek partition of joint property unless there is a prior partition or a legal bar. In the present case, there is no evidence on record to show that the suit properties have been partitioned by metes and bounds. On the contrary, the defendants have admitted that the properties are still joint. Hence, the plaintiffs cannot be deprived of their lawful shares. In view of the aforesaid discussion and the settled legal position, it is held that the suit properties have devolved upon the plaintiffs and defendants under Section 8 of the Hindu Succession Act and they are co owners thereof. Since there are five legal heirs of Late Kashibhai Zaverbhai Patel, namely the plaintiffs and four defendants, each is entitled to an equal share. Accordingly, it is held that the plaintiffs are jointly entitled to seek partition and

separate possession of their 1/5th share in the suit properties and thereby the answer to the issue no. 1 has to be in Affirmative.

❖ ISSUE NO : 2.

- 17 This court is of the view that the burden to prove this issue lies upon the defendants. This court is of the view that the case of the defendants is that the present suit is barred under the provisions of the fragmentation act. This court is further of the view that, except for taking bald plea in written statement, the defendants have neither pleaded necessary particulars nor led any cogent evidence to show the applicability of the fragmentation act to the suit properties. This court is further of the view that even no such foundational facts have been pleaded or proved on record. This court is further of the view that it is a settled position that exclusion of jurisdiction of civil court is not to be readily inferred and such bar must be either expressly provided or clearly implied by the statute. This court is further of the view that in absence of such proof, the civil court retains jurisdiction to adjudicate civil rights including partition between co-owners. This court is further of the view that the provisions of the fragmentation act are primarily regulatory in nature and are intended to prevent fragmentation of agricultural holdings below the prescribed standard area.
- 18 In this regard this court is of the view that it would be proper to refer the section in relation to the present issue of the fragmentation act. The relevant portion of said Section 8AA reads.

8AA. Restriction on partition of land :

(1) Where, by transfer, decree, succession or otherwise, two or more persons are entitled to shares in an undivided agricultural land in any local area for which standard areas have been fixed, and the land has to be partitioned among them, such partition shall be effected so as not to create a fragment.

(2) Where such partition is made by the Court of the Collector, the following procedure shall be adopted-

(a) to (e) ...

(3) Where a partition is effected in execution of a decree all questions relating to the partition of the land and apportionment of compensation shall be decided by the Court executing the decree or by the Collector effecting the partition, as the case may be, in accordance with the provisions of sub-Section

- 19 This court is of the view that on a plain reading of Section 8AA of the Act, it becomes evident that the legislature has expressly contemplated and permitted partition of agricultural land. This court is of the view that the provision applies where two or more persons are entitled to shares in an undivided agricultural land and provides that such land may be partitioned amongst them, subject to the condition that such partition shall be effected in a manner so as not to create a fragment. This court is further of the view that this section further lays down a detailed mechanism, including grant of monetary compensation, in cases where physical division is not feasible without resulting in fragmentation. Thus, the statutory scheme does not prohibit partition, but merely regulates the manner in which it is to be carried out. This court is further of the view that the underlying object of the Act is to prevent

fragmentation of holdings and not to deny the right of a co-owner to seek partition. This court is further of the view that the restriction is only as to the result of partition, i.e., that it should not lead to creation of fragments below the standard area.

- 20 In this regard this court finds useful reference in the decision reported in Koli Bhikha Rama (Decd.) v. State of Gujarat (2002), wherein it has been observed in para 7 that : “ The provisions made under Section 8AA of the Act, where by transfers, decree, successions or otherwise two or more persons are entitled to share in an undivided agricultural land in any local area for which the standard areas have been fixed and the land is to be partitioned amongst them, such partition shall be effected so as not to create a fragment and for that a detailed procedure has been prescribed under sub Section 2 of Section 8AA. Therefore, even the partition has also been permitted by the Statutory provisions keeping in mind that it may not create a fragment.”
- 21 In this regard this court find useful reference in the decision reported in Anandrao Shripati Patil v. Jeetendra Laxman Patil (2008), wherein the Hon’ble the Bombay High Court has held in para 11 that : “ For the purpose of giving specific shares to them, as per sub-section (1) of Section 8AA, partition shall be so effected as not to create any fragment. As the land was 2 acres and 1 guntha, if it is divided equally, it may create a fragment as held by the appellate Court. In that case, the procedure laid down in sub-section 2(a) of Section 8AA has to be followed. It requires that if in effecting partition amongst several co-sharers it is found that a co-sharer is entitled to a specific share in the land and cannot be given that share without creating a fragment, he shall be

compensated in money for that share and this calculation shall be determined as far as practicable in accordance with the provisions of Section 23 of the Land Acquisition Act. In view of this legal position, if it is found that the partition of land survey no.1002/2 would create a fragment, the Collector may follow the procedure laid down in sub-section (2) of Sec.8AA.”

- 22 Considering the above discussion and in view of the settled legal position, it is clear that partition of agricultural land is not barred under the Act. On the contrary, it is permissible, subject only to the condition that such partition must be effected in conformity with the provisions of the act and should not result in creation of a fragment, and if such situation arises, the procedure prescribed under Section 8AA is required to be followed. This court is further of the view that the scheme of the act indicates that the object of the act is to prevent fragmentation of holdings and not to take away the right of the owner seeking partition. This court is further of the view that the right to approach civil court for partition is not affected by the fragmentation act thereby the answer to the issue no. 2 has to be in Negative.

❖ ISSUE NO : 3.

- 23 This court is of the view that the burden to prove this issue lies upon the defendants in view of sections 101 and 102 of the Indian Evidence Act, 1872. Section 101 mandates that the party who asserts a fact must prove it, and Section 102 provides that the burden lies on the party who would fail if no evidence is led. This court has gone through the record of the case and it appears that the defendants have pleaded the suit has been filed with insufficient court fees and is therefore not maintainable. In this

regard this court is of the view that the burden to prove insufficiency of court fees lies upon the party who raises such an objection. This court is of the view that the valuation of a suit for the purpose of court fees is governed by the Court Fees Act, 1870, and relevant procedural laws. This court is further of the view that the primary consideration in determining whether a suit has been properly valued is whether the valuation corresponds to the reliefs claimed by the plaintiffs and whether the appropriate court fees have been paid. It appears that the plaintiff has valued the suit for partition in accordance with the provisions of the applicable court fees act and has paid court fees on the basis of joint possession. The plaint clearly discloses the manner in which the valuation has been made and the court fees have been computed. It further appears that at the time of institution of the suit, the plaint was scrutinized by the office and was duly registered after verification of court fees. This indicates that the suit was properly valued at the initial stage. It further appears that, during the course of trial, the defendants have not produced any material to show that the valuation made by the plaintiff is incorrect or that higher court fees were payable. It further appears that no alternative valuation has been suggested, nor has any calculation been placed before the court to establish insufficiency. This court is of the view that the defendants did not pursue this objection seriously by filing any application for determination of proper court fees or for rejection of the plaint on this ground. The objection has remained only a bald allegation without supporting evidence. This court is of the view that, in a suit for partition where the plaintiff claims joint possession, court fees are payable on a notional value as

prescribed by law and not on the market value of the property. This court is also of the view that in the absence of proof that the plaintiff was excluded from possession, valuation on the basis of joint possession cannot be said to be improper. Thus, in absence of any specific pleadings, cogent evidence or effective challenge from the defendants, the objection regarding court fees remains unsubstantiated and thereby the answer to the issue no. 3 has to be in Negative.

❖ ISSUE NO. 4

- 24 This court is of the view that it is required to be noted that while deciding issue no.1, this Court has already held that the suit properties were originally owned by the father of the parties and upon his demise, the same have devolved upon the plaintiffs and defendants under Section 8 of the Hindu Succession Act, 1956. It has further been held that the parties are co-owners of the suit properties having definite shares and that the plaintiffs are entitled to 1/5th share therein. It has also come on record that the suit properties are still joint and unpartitioned and no partition by metes and bounds has taken place till date. The defendants have not been able to produce any material to show that the plaintiff has relinquished his share or that the properties have already been partitioned. Further, while deciding the other issues, it has been held that the defendants have failed to establish that the suit is barred under the Fragmentation. Further, while deciding the other issues, it has been held that the defendants have failed to establish that the suit is also hit by valuation and court fee stamp. This court is of the view that, from the evidence on record and the findings already recorded, it clearly emerges that the plaintiffs have

succeeded in proving that they are one of the legal heirs of the deceased and are entitled to a definite share in the suit properties which are still joint. This court is of the view that it is a settled position that a co owner is entitled to seek partition and separate possession of his share as a matter of right, unless such right is taken away by law or there exists a prior partition, neither of which has been established in the present case. Therefore, the plaintiff cannot be deprived of his lawful share in the suit properties and thereby the answer to the issue no. 4 has to be in Partly Affirmative.

- 25 Thus in view of the determination of above issues, this court hereby passes the following order on the issue no. 5 in the interest of justice which is as under :

: ORDER :

1. The suit of the plaintiff is hereby Partly Allowed.
2. It is hereby held that the plaintiffs (1) Kashiben Jagdishbhai Patel (2) Smitaben Jagdishbhai Patel (3) Yakshesh Jagdish Patel are jointly entitled to 1/5 share in the suit properties bearing block / survey no. 25/3, block / survey no. 109/A, block / survey no. 123/2 and block / survey no. 418/2 which are mentioned in the plaint and are also entitled to possession of such properties after the partition takes effect.
3. It is hereby further directed that until the suit properties are partitioned by metes and bounds, an injunction is hereby granted against the defendants restraining them from selling the suit properties or alienating the suit properties or creating charge or any third party rights over the suit properties in any manner.

4. It is hereby further directed that the aforesaid suit properties are agricultural lands and are assessable to land revenue payable to the government, having regard to the provisions of order 20 rule 18 of the code and section 54 thereof, the Collector Shri, Anand district or any official authorized by him is hereby directed to make partition as per the preliminary decree and report thereof within 60 days upon which the final decree shall be framed.
5. It is hereby further directed that, if any occasion in regards to the fragmentation act arises during partition, then the court commissioner shri, while effecting the said partition of the suit properties shall consider and comply with the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings act, 1947 while carrying out the partition between the plaintiffs and the defendants.
6. No order as to cost.
7. Preliminary decree be drawn accordingly.

Pronounced and signed in open court today.

SOJITRA	ATHAR S KHAN
DT. 25/03/2026.	Principal Civil Judge & J.M.F.C. (CODE : GJ01527)