

RCS/392/1993**ORDER**

**IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE
AT GONDAL – RAJKOT DISTRICT**

ORDER BELOW EX.146 IN REG.CIVIL SUIT NO.392/1993.

- 1.The plaintiffs have filed this application to implement the preliminary decree passed in this case with regard to the lands situated at village Gundala of Gondal Taluka and to make partition of the said land.
- 2.Read the application and perused the records. I have heard the learned advocates of both the sides. On going through the application, it appears that this Court has already passed preliminary decree in this suit for the agriculture lands situated at village Gundal, Tal. Gondal and Gondal. Against the said order, the defendants have preferred C.M.Appeal No.42/2011 which was came to be rejected by the Hon'ble Addl.District Judge Saheb, Gondal. The appeal before Hon'ble High Court is pending for the lands situated at Gondal. It also appears from the record that the owners of the lands situated at village Gundala have not preferred any appeal before the appellate court and hence, the preliminary decree with regard to lands

situated at village Gundals stands confirmed.

3. So, considering the fact that this court has already passed preliminary decree in respect of the land situated at village Gundala and therefore, report of the District Collector, Rajkot is required to be called for to opine that whether partition of the agricultural land situated at village Gundala, Tal. Gondal can be effected or not. Hence, following order is passed.

// O R D E R //

1. Application is hereby allowed.

2. The District Collector, Rajkot is hereby ordered to submit his opinion/report that whether the partition can be effected in the agricultural land bearing S.No.105 paiki admeasuring A.4-00G. situated at village Gundala, Tal. Gondal within 30 days from the date of receipt of this order.

3. No order as to costs.

Pronounced in the open court to day on this 14th day of MAYCH, 2014 at Gondal.

Date :-14/05/2014

(**DAHYABHAI GANESHBHAI VAGHELA**)

Place:-**G O N D A L**

Principal Senior Civil Judge

G O N D A L

JUDGE CODE - GJ00322