

ORDER BELOW EXH.01
IN M.A. NO. 86/2026

This Civil M.A. is filed for the execution of decree passed in R.C.S. No. 272/2010 on 26.02.2018. This decree is passed for partition of the suit property. As per Ex.1 of this Civil M.A. applicant prayed that decree dated 26.02.2018 be send to Collector, Sangli for its execution and partition of the suit property. Ld. Advocate for applicant is present.

2. Perused the matter on record. Heard Ld. Advocate for applicant. Ld. Advocate for applicant has filed on record following citation -

Annasaheb Rajaram Nagane & Anr. V/s. Rajaram Maruti Nagane and Anr., 2001(3) Mh.L.J. in this citation Hon'ble Court held that

“After passing of preliminary decree for partition, the decree can not be made effective without there being a final decree. Final decree has to specify the division by metes and bounds and has to be engrossed on requisite stamp paper after which it becomes executable”.

3. Ld. Advocate for applicant submitted that there is no need to issue notice to defendants in the present case. In view of ratio laid down in the above said citation, the decree passed in R.C.S. No. 272/2010 dated 26.02.2018 may kindly be send to the Collector for its execution. Ld. Advocate for applicant submitted that no any proceeding or appeal is pending in any higher Court against the said decree.

4. Perused the matter on record. It appears that there is no any proceeding or appeal is pending against the said decree in any higher court. In view of ratio laid down in the above said citation and considering the prayer of this Civil M.A. it appears that no notice to the any of the parties to the application is necessary as it is not a petition seeking any adjudication of any of the rights of the parties. These directions are applicable to the present case. Therefore, it will be proper to send the decree for execution to the Collector, as prayed without issuing notice to defendants. Hence, due to all above reasons, I proceed to pass the following order.

ORDER

1. Application is allowed.
2. As per Section 54 of the C.P.C., the decree passed in R.C.S. No. 272/2010 dated 26.02.2018 be sent to the Collector, Sangli for its execution as per law.
(Order pronounced in open court).

Islampur.
Date : 29.07.2026.

(Mrunmayee M. Choudhary)
Jt. Civil Judge Jr. Dn., Islampur.

- : C E R T I F I C A T E : -		
I affirm that the contents of this Pdf file order is same word as per original order.		
Name of Stenographer	:-	Satish N. Pethkar,
Court Name	:-	Mrunmayee M. Choudhary. Jt. Civil Judge (J.D.) and J.M.F.C., Islampur
Date of decision	:-	29.07.2026
Order signed by P.O. on	:-	29.07.2026
Order uploaded on	:-	29.07.2026