

MHPU150010792023 	<u>Reg Dkt. No. 35/2023</u> <u>Vaman Shankar Mahanawar & Ors.</u> <u>Vs.</u> <u>Bhimrav Bhau Dhigude</u>
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Order below Exh. 20.
(Date: 28.07.2026)

Present application is filed by JD No. 2 for setting aside “No Say Order” passed on Exh. 13.

2] By filing present application it is submitted that, the matter was kept for filing say of JD No. 2 on Exh. 13. By filing application at Exh. 13 the DH have prayed to appoint the Deputy Superintendent of Land Records, Baramati as a court commissioner. But the JD has filed separate application before the concerned authority for measurement, if the said measurement is carried out then the entire dispute between the parties will come to an end. Therefore, it is prayed that it will be proper to grant time to file say by setting-aside no say order passed below Exh. 13.

3] On the other hand, the Ld. Advocate for DH filed his say and denied the contents of the application stating that already no say order has been passed. It was necessary on the part of the JD to file his say on Exh. 13 along with this application but he has not filed his say which shows that the JD is playing tactics to prolong the matter. Therefore, it is prayed that, application may be rejected.

4] Heard both sides. Perused the record. The record shows that, the present execution proceeding is filed in view of

decree passed in RCA No. 77/2012, wherein the decree passed in RCS No. 116/2005 was set-aside and it is directed to the defendant i.e. JD to handover the vacant possession of suit property 1B i.e. 52R land shown in pink colour in a map Exh. 36 to plaintiff within two months and also restrained from making any encroachment in suit property 1A i.e. Gat No. 313. The Court also directed the inquiry regarding mesne profits. The record shows that, the DH filed application below Exh. 13 for appointment of the Deputy Superintendent of Land Records, Baramati as a court commissioner in order to handover the possession with the help of bailiff. After giving sufficient opportunity the JD did not file his say and therefore, on 19.12.2025 no say order came to be passed. After perusal of application it is seen that the JD has prayed for setting-aside no say order as well as grant of time to file say on Exh. 13. It was necessary on the part of JD to file his say along with this application. Therefore, the objection taken by DH is tenable. Already sufficient opportunity had been given to JD to file his say but he failed to file say. Therefore, now he cannot sought time to file his say. But in the interest of justice this Court is of the opinion that by setting aside no say order a specific time limit can be granted to file the say. If the say is filed within the said period it will be taken on record or else this order will not have any effect. With these reasons, I proceed to pass following order :-

ORDER

- i. Application is allowed. "No Say Order" passed on Exh. 13 against JD No. 2 is hereby set-aside subject to that the JD No. 2 shall file his say on Exh. 13 on next date without fail.

- ii. If JD No. 2 fails to file his say on next date this order will have no effect.
- iii. No order as to costs.

Place : Baramati.
Date : 28/07/2026

(Omprakash M. Mali)
Joint Civil Judge, Junior Division,
Baramati, Dist.Pune.

CERTIFICATE

“I affirm that the contents of this P.D.F file of order/judgment are same word for word as per original order/judgment.”

Name of Stenographer :: P.C. Berad (Grade-III)

*Name of Court :: Shri. O. M. Mali
Jt. C.J.J.D. & J.M.F.C., Baramati.*

Decision Date of order/ judgment :: 28.07.2026

*Order/judgment signed by :: 28.07.2026
presiding officer on*

Order/judgment uploaded on :: 28.07.2026