

MHAH080020482018



ORDER BELOW EXH.01 IN
REGULAR DARKHAST NO.113/2018
(Passed on 09. 03. 2026)

01. Instant Regular Darkhast is being filed by the Decree Holder for the execution of decree passed in RCS No. 483 of 2011. It is the submission of Decree Holder. that, a decree of perpetual injunction is passed in RCS No. 483 of 2011 in respect of suit property (bearing Gut No. 253/6 situated at Mauje Wadgaonpan, Tal. Sangamner) against the Judgment Debtors restraining them perpetually from causing obstruction and interference to the plaintiff's possession over the suit property. Decree Holder further submitted that, even after passing of such decree, Judgment Debtors are still obstructing and interfering his peaceful possession over the suit property and restraining him from cultivating the suit property. Therefore, in such circumstances, it is necessary to execute a decree passed in RCS No. 483 of 2011, by removing the obstruction of Judgment Debtors and attaching the property of Judgment Debtors or sending the Judgment Debtors to Civil Prison.

02. Judgment Debtors by filing their reply to the execution petition strongly opposed the same. The Judgment Debtors submitted that, the suit property is not besides their property and therefore, causing obstruction and interference to the suit property does not arise. They have never caused obstruction and interference to Decree Holder. Decree Holder is taking undue advantage of the decree in his favour. Therefore, the execution

petition is liable to be dismissed.

03. To fortify the submission, Decree Holder Sagar Thorat examined himself below Exh. 23 and submitted that, on 01-07-2018 Judgment Debtors restrained him from cultivating the suit property. Therefore, he has filed the execution petition. Testimony of Decree Holder remained intact. Decree Holder also examined a witness from TILR Office, i.e., Bhagirathji Bhau Chavhan, who proved the measurement map (Exh. 50) brought on record by the Decree Holder. His testimony also remained intact during his cross-examination.

04. Judgment Debtor Uttam Maruti Gaikwad also examined himself below Exh. 70 and reiterated all the facts mentioned in his Say (Exh. 20) to this execution petition. But, during cross-examination, he admitted that, he made signature over the statement recorded by Officer of TILR (Exh. 47). He further admitted that, he never raised objection for creation of 7/12 extract of Gut No. 253/6. He further admitted that, he has not challenged the decree passed in RCS No. 483 of 2011. Judgment Debtor also examined from his side one witness, namely, Vilas Krushna Gaikwad, but, considering the admission given by him in his cross-examination, it appears that, his testimony will not be of any use to the Judgment Debtor.

05. Considering the over all evidence adduced by the both the parties, it appears that, Judgment Debtor has not challenged the decree passed in RCS No. 483 of 2011. Furthermore, it is the submission of Decree Holder that, even after the passing of decree Judgment Debtor is causing obstruction and interference to the

suit property. The testimony of Decree Holder in this respect has remained intact. The measurer from TILR Office has also supported the submission of Decree Holder. It is significant to note that judgment debtors have failed to raise any substantial objection for the execution of the decree. Therefore, in order to prevent the obstruction and interference to the suit property of Decree Holder, I am of the view that, the property of Judgment Debtor need to be attached. Judgment Debtor has himself submitted in his Say that, he is owner of Gut No. 253/5 and 253/2. The schedule provided by Decree Holder below execution petition and 7/12 extract of Gut No. 253/5 (Exh. 57) and Gut No. 253/2 (Exh. 59) shows that judgment debtor no.1 Gulab Maruti Gaikwad owns Gat No.253/5, ad-measuring 0.32 R (Pot Kharaba 0.03 R) situated at Wadgaonpan, Tal. Sangamner, Dist. Ahmednagar and Gat No.253/2, ad-measuring 0.41 R (Pot Kharaba 0.06 R) situated at Wadgaonpan, Tal. Sangamner, Dist. Ahmednagar. In these circumstances, Decree Holder is entitled for the execution of the decree by way of attachment of the above-said property of the Judgment Debtors. Hence, I pass the following order :

ORDER

- 1) The property of Judgment Debtor is hereby attached.
- 2) Issue warrant of attachment for attachment of the property of judgment debtor No.1 Gulab Maruti Gaikwad bearing Gat No.253/5, ad-measuring 0.32 R (Pot Kharaba 0.03 R) situated at Wadgaonpan, Tal. Sangamner, Dist. Ahmednagar and Gat No.253/2, ad-measuring

0.41 R (Pot Kharaba 0.06 R) situated at Wadgaonpan, Tal. Sangamner, Dist. Ahmednagar, prohibiting the judgment debtors from transferring or charging the above-said property in any way.

- 3) Warrant of attachment shall be executed by affixing a copy of the warrant on a conspicuous part of the property and then upon a conspicuous part of court and also in the office of Collector, Ahmednagar, Gram Panchayat Wadgaonpan and Talathi Wadgaonpan.
- 4) Copy of this order be forwarded to the Collector, Ahmednagar for attachment purpose. Said attachment shall remain in force for six months.
- 5) Decree holder to bear the necessary charges.

Sangamner.

Date :- 09. 03. 2026.

(Prasad B. Joshi)

5th Jt.Civil Judge, Sr.Dn., Sangamner.