



R.D NO. 1/2017
MHAK110000412017
Vitthal Vs. Vasant

ORDER BELOW EXH. 1

By the order passed below Exh. 25, as per the submission of the Judgment-Debtor, two months' time was granted to him to remove his standing crop from the suit land. As per the said order, the Judgment-Debtor was required to remove his crop and hand over possession of the suit land to the Decree Holder on the fixed date, i.e. 27.01.2026.

2. On 27.01.2026, learned advocate for the Judgment-Debtor submitted that the Judgment-Debtor had removed the pigeon crop; however, he has now sown a crop of wheat on the suit land.

3. Today, the Judgment-Debtor appeared before the Court and submitted that he is not willing to hand over possession of the suit land to the Decree Holder and requested the Court to pass an appropriate order.

4. It is pertinent to note that to avoid hardship to the Judgment-Debtor on account of removal of his standing crop, two months' time was granted by order dated 24.11.2025. By the said order, the Judgment-Debtor was specifically restrained from cultivating any fresh crop and from entering upon the suit land after removal of the existing crop. However, from his submissions, it is evident that he has again cultivated the suit land and is not willing to abide by the decree.

5. Considering the conduct of the Judgment-Debtor, as he is not willing to voluntarily hand over possession of the suit land to the Decree Holder, for execution of the decree in RCA No. 33/2008, the

earlier order passed below Exh. 19 deserves to be restored. Hence, I pass the following order:

ORDER

1. Issue possession warrant of suit property under Order XXI Rule 35 of the Code of Civil Procedure.
2. The possession of the suit land shall be handed over to the Decree Holder through the officer of the Court.
3. The Bailiff of this Court is hereby directed to hand over possession of the suit land to the Decree Holder in accordance with law and submit report within 7 days.

Sd-

Date:- 29.01.2026
Telhara

(R. K. Deshpande)
Civil Judge (Junior Division),
Telhara