

MHDH050016072025



Regular Darkhast No.08/2025

Smt. Suvarna Vasantrao Patil

V/s

Shri. Vasant Vaman Patil

**ORDER BELOW EXH. 01**

- 1) Read the case record. The present execution proceeding came to be filed for compromise decree passed in Regular Civil Suit No.109/2023.
- 2) Record shows that notices were issued to judgment debtors. Judgment debtor appeared in the proceeding and filed his say below Exh. 10 stating that no objection to record the said property in the name of the plaintiff in the revenue records.
- 3) As per the compromise decree passed in Regular Civil Suit No.109/2023, it appears that the subject matter of the suit is agricultural property and for partition of the same. Therefore suit for partition and hence compromise decree came to be passed. Record shows that till date precept was not sent to the Collector as per Section 54 of the Civil Procedure Code. Further, in view of ratio laid down in **Annasaheb Rajaram Nagane Vs. Rajaram Maroti Nagane and Ors. repoted in AIR 2001 Bom 303**, this court finds that the decree for partition is in respect of bearing Gat. No. 343 admeasuring 5H 54R i.e. suit property is executable only through revenue authority as per section 54 of the CPC.
- 4) Hence, it would be just and proper to send precept to the Collector for execution of the compromise decree. It would be apt to make mention here that after sending the precept for effecting the partition as per compromise decree the Court become *functus officio* and there will be no circumstance which warrant any sort of interference in the act of partition which has to be completed by the Collector or his subordinate Gazetted Officer Under Section 54 of the Civil Procedure Code. Hence, it

would be just and proper to dispose off the execution proceeding. In the result, I pass the following order.

**:: O R D E R ::**

|    |                                                                                                                                                                               |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Precept be sent to the Collector as per Section 54 of the Civil Procedure Code for effecting the partition as per compromise decree passed in Regular Civil Suit No.109/2023. |
| 2. | Concerned clerk is directed to send precept along with the relevant documents to the Collector.                                                                               |
| 3. | Decree Holders and their advocate are directed to take the note.                                                                                                              |
| 4. | Proceeding stands disposed off.                                                                                                                                               |

SD/-

**(Milind R. Gadhave)**

Jt. Civil Judge Junior Division

Sakri.

Sakri.

Date : 17/07/2026

**:- CERTIFICATE :-**

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

|                                      |                                    |
|--------------------------------------|------------------------------------|
| Name of Stenographer                 | : H.B.Pile                         |
| Name of the Court                    | : Jt. Civil Judge Jr. Div., Sakri. |
| Date of Decision                     | : 17/07/2026                       |
| Order signed by presiding officer on | : 17/07/2026                       |
| Order uploaded on                    | : 17/07/2026                       |

SD/-

Stenographer-Grade III