

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, GONDIA.**R. C. A. NO. 45/2025**

(CNR NO.MHGO010009382025)

Hiralal Subhelal Patle + 1 .vs. Dhameshwari Pardhi & Ors.**ORDER BELOW EXH.9**

(Passed on 08.09.2025)

By the present application, the applicants/appellants prayed for status-quo in respect of the judgment and decree dated 08.05.2025 passed by learned 2nd Joint Civil Judge Senior Division, Gondia, whereby the suit of the original plaintiffs/present appellants for declaration and cancellation of Will is dismissed and counter claim of respondents/original defendants is allowed for declaration that the Will is binding on the plaintiffs and the defendants are entitled for partition and granted injunction in favour of respondents against appellants. The said decree is sent under section 54 of the C.P.C. for partition by metes and bounds to the Collector/Revenue Authority. The Revenue Authority issued notice to the applicants/appellants dated 14.08.2025 to remain present on 28.08.2025 and thereafter, as orally stated by advocate Shri D. R. Katiyare holding for learned advocate Shri. P. T. Tolani on 10.07.2025 for hearing. It is stated that the Revenue Authority may proceed further for partition by metes and bounds and delivery of possession to the respondents in execution of the decree and therefore, prayed for grant of status-quo to execution of decree in appeal, but

for want of presence of respondents also prayed for grant of status-quo by the present application at-least till appearance of the respondents. Notice of the application was directed to be issued to the respondents who did not appear and the say of the respondents who appeared, was called. None of the respondents have appeared in this appeal.

2. Heard learned advocate Shri D. R. Katiyare for the appellants.

3. The notice of the present appeal was issued by order dated 09.07.2025. The notice of application Exh.9 to maintain status-quo was issued by RPAD as per Exh.10 to the respondent Nos.1, 2, 3 & 5.

4. Pursis Exh.12 is filed by the appellants that the notice of status-quo application was sent and posted by RPAD to the respondents.

5. The postal receipts are placed on record below list Exh.13 showing the names of respondent No.1 Dhameshwari w/o Chintaman Pardhi, respondent No.2 Yogeshwari wd/o Rajkumar Rahangdale, respondent No.3 Rameshwari w/o Shashi Bisen and respondent No.5 Smt. Kamala w/o Tulsidas Bhagat are placed on record.

6. The Bailiff report Exh.6 shows that the notice of

appeal is served to respondent No.5 Kamala w/o Tulshidas Bhagat through her husband, but respondent No.5 or anybody on her behalf did not appear.

7. As regards notice by RPAD of application Exh.9 to respondent No.4 is concerned, it is returned with the remarks that “Insufficient addressee RTS” i.e. the address is insufficient hence, returned to sender and report of notice of appeal is not yet received.

8. The report of notice of appeal Exh.7 to respondent No.6 Kesharbai Patle shows that she expired on 12.10.2024 (year wrongly mentioned as 2025) as the death certificate attached shows the date of death of respondent No.6 as 12.10.2024. The legal heirs of respondent No.6 are to be brought on record by the appellants. However, as the date before the Revenue Authority is fixed day after tomorrow as orally stated on 10.09.2025. It is necessary that the factual physical partition and handing over of possession as per decree dated 08.05.2025 in RCS No.157/2016, is not made and delivered.

9. Therefore, it is necessary to maintain the status-quo only to the extent of factual physical partition and delivery of possession till appearance of the respondents. However, the remaining hearing and proceedings may be

continued by the Revenue Authority. The appellants are directed to take steps to bring the legal representative of respondent No.6 on record and serve the respondent No.4 as per rule.

10. In above terms till appearance of respondents, there shall be status-quo only to the above extent i.e. as mentioned in paragraph No.9 above.

Inform concerned authority accordingly.

Sd/-

Gondia.
Date : 08.09.2025

(R. N. Joshi)
Principal District Judge, Gondia.