

MHJN060019212012

**ORDER BELOW EXH.89**

Present application is filed by decree holder with the prayer to handover vacant possession of encroached area as shown in Map filed along with Exh.88/1.

02. On the said application by passing order on 20.02.2026 judgment debtors were directed to show cause why they should not be put into civil prison. To the said order judgment debtors filed their reasons at Exh.101 that they never objected or obstructed to the execution proceeding.

03. Map filed along with Exh.88/1 is the base for passing decree in Regular Civil Suit no. 10/2002. Previously filed report by TILR at Exh.95 is also vague and not supported by any documentary evidence. Therefore, it is necessary to reissue possession warrant as per Map filed at Exh.96 in Regular Civil Suit no.10/2003 (i.e. Exh.88/1 in RD no.18/2012).

04. It is settled principle that executing court cannot go behind the decree. Therefore, it is necessary to execute decree as per Map filed at Exh.96 in Regular Civil Suit no.10/2003.

05. Considering previous panchanamas filed at Exh.96 and 97 it is necessary to direct judgment debtors that they will not obstruct execution proceeding. If they continued in obstructing execution proceeding then for next time they will be put into civil prison till actual execution of the decree passed in Regular Civil Suit no.10/2003. Accordingly, after considering above mentioned reasons

I pass following order-

**ORDER**

01. Application is allowed.
02. Issue possession warrant in respect of the suit property vide Order XXI Rule 35 of the Code of Civil Procedure.
03. Taluka Inspector of Land Records, Bhokardan is appointed as a court commissioner and directed to remain present at the time of execution for the fixation of boundaries as per the measurement done on 27.06.1995 after payment of necessary charges by decree holder.
04. TILR, Bhokardan to take aid of Map filed at Exh.96 in Regular Civil Suit no.10/2003 for fixing the boundaries.
05. P.S.O. Bhokardan is directed to provide necessary police protection for the execution of decree passed in Regular Civil Suit no.10/2003.
06. Appointed bailiff of Civil Court, Bhokardan as well as TILR Bhokardan is directed to make detailed panchanama regarding actual situation at the time of execution of decree.
07. Decree holder as well as judgment debtors are directed to assist court bailiff as well as TILR Bhokardan at the time of execution of decree.
08. P.S.O. Bhokardan as well as TILR Bhokardan to accept necessary charges from decree holder.
09. Decree holder to furnish affidavit in the court regarding he has paid necessary charges at P.S.O. Bhokardan and TILR Bhokardan within 15 days from today.
10. Decree holder as well as judgment debtors to take note of this order.

Date: 24.04.2026

(Mayuresh R. Kale)  
Civil Judge Junior Division,  
Bhokardan.

**CERTIFICATE**

I affirm that the contents of this PDF file Order/Judgment are same word to word as per the original Order/Judgment.

Name of Steno	:	S. R. Ingle
Court	:	CJJD & JMFC, Bhokardan
Date	:	24.04.2026
Judgment/order signed by the Presiding Officer on	:	24.04.2026
Judgment/Order uploaded on	:	24.04.2026