

MHKO010039772025



ORDER BELOW EXH. 1
In Civil Misc.Appl.No.288/2025
Sou Sushila Mahadev Dhobale
Versus
Smt. Parvati Anna Dhere & Ors.

The instant application is filed under Sec. 24 of the Code of Civil Procedure, 1908.

02. It is stated that, the applicant Sushila and non applicant No. 4 Anusaya have filed RCS No. 12/2010 for partition and separate possession of landed and house property against the non applicant Nos. 1 to 3. Said suit is decreed on 17/12/2024. The applicant and non applicant No. 4 have filed Reg. Darkhast No. 4/2025 and Final Decree Appl. No. 1/2025 and both are pending before the Court of Smt. Pende, 2nd Jt. Civil Judge Jr. Dn. Vadgaon ('Trial Court' for short).

It is further contended that, the non applicant No. 2 has appeared and filed his say below Exh. 13. However, after considering the record and proceeding and say filed by the non applicant No. 2, it is incumbent upon the trial Court to issue Precept as per Sec. 54 of Code of Civil Procedure, 1908. However, instead of that, the trial Court has issued notices to the non applicant No. 4. This is causing delay in executing the decree passed in favour of the applicant. The applicant is deprived of the fruits of the decree. The non applicants are intentionally causing delay by filing various adjournment applications. It is his belief that, the trial Court by passing such orders indirectly help the non applicants. Thus, the applicant has apprehension that, he will not get justice from trial Court and hence,

prayed to transfer Reg. Darkhast No. 4/2025 and Final Decree No. 1/2025 to other Court at Vadgaon.

03. The non applicant Nos. 1 and 2 have filed their say below Exh. 11/A and strongly opposed the application. It is contended that, the reasons mentioned for transfer are false. The orders passed by trial Court are just and legal. The applicant has intentionally concealed some facts from the Court and blaming the trial Court. Lastly prayed to reject the application.

04. The applicant by filing pursis below Exh. 12 deleted the name of non applicant No. 4 Anusaya. In spite of notice non applicant No. 3 did not appear and filed say. Hence, the matter proceeded ex-parte against her.

05. Heard both sides.

06. Perused record. It is clear from record that, the Reg. Darkhast No. 4/2025 and Final Decree No. 1/2025 are pending before the Trial Court and are filed against the decree passed by trial Court in RCS No.12/2010. The applicant has made allegations against the trial Court about passing of orders in said matters about issuing of notices to non applicant No. 4. The reasons mentioned for transfer are not satisfactory. However, for smooth conduct of matters and to avoid further complications, without admitting the contents of the application, this Court, is of the view that, the matters need to be transferred to other Court. Hence, the application stands allowed. Hence, order.

ORDER.

1. Civil Misc. Appl. No. 288/2025 is allowed.
2. Reg. Darkhast No. 4/2025 and Final Decree No. 1/2025 pending on the file of Smt. S.J. Pende, 2nd Jt. Civil Judge, Junior Division, Vadgaon are hereby withdrawn and made over to the file of Court of Civil Judge Junior Division, Vadgaon for disposal in accordance with law, with immediate effect.
3. Both parties and their Advocate are hereby directed to co-operate the transferee Court for disposal of matters.
4. The application stands disposed of in the above terms.

Date : 10/04/2026.
Kolhapur.

(Smt. Kavita B. Agrawal)
Principal District Judge, Kolhapur.