

MHKO090004722015



Received On : 12.06.2015,
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Decided On : 02.05.2026,
Duration : Ys. Ms. Ds.
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**IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION,
GADHINGLAJ**

(Presided over by N. S. Puri)

Regular Civil Suit No.108/2015.

Exh.No.110/A

1] Shri. Ganpat Bhairu Shinde, Age - 55
years, Occu. Agriculture, R/o. Nesari
Road, In the field of Ramtirth,
A/p. Mahagaon, Tal. Gadhinglaj,
Dist. Kolhapur. | **... Plaintiff**

// VERSUS //

1] Shri. Datta Bhairu Shinde, Age - 65
years, Occu. Retired, R/o.
Mumbradevi, Plaza Building,
Ground floor, Sabegaon, At the side
of Vitthal Rakhumai Temple, Sabe
Road, Diva (East), Thane - 400612.
2] Shri. Vitthal Bhairu Shinde, Age - 63
years, Occu. Agriculture, R/o. Nesari
Road, In the field of Ramtirth,
A/p. Mahagaon, Tal. Gadhinglaj,
Dist. Kolhapur. | **... Defendants**
3] Shri. Bhimrao Bhairu Shinde,
Age - 60 years, Occu. Service,

R/o. Nesari Road, In the field of Ramtirth, A/p. Mahagaon, Tal. Gadhinglaj, Dist. Kolhapur.

- 4] Shri. Shankar Bhairu Shinde, Age - 49 years, Occu. Service, R/o. 4+69, New Police Line, At the side of Siddhi Hall, Thane (West) 400601.
- 5] Housabai Shamrao Wagheralkar, Deceased through her legal heirs,
 - 5.1] Shri. Shivaji Shamrao Wagheralkar, Age - 55 years, Occu. Business, R/o. A/102, Navin Asha Co-Op. Housing Society, Dadasaheb Phalake Road, Dadar (East), Mumbai 400014.
 - 5.2] Shri. Tanaji Shamrao Wagheralkar, Age - 50 years, Occu. Business, R/o. 3/303, Yogeshwar Co-Op. Housing Society, In front of Bawala Mashid, N. M. Joshi Marg, Mumbai 400013.
 - 5.3] Sou. Mangal Yashwant Pawar, Age - 48 years, Occu. Household, R/o. Kudnur, Tal. Chandgad, Dist. Kolhapur.
- 6] Shivaji Bhairu Shinde, Deceased through his legal heirs,
 - 6A] Smt. Akkatai Shivaji Shinde, Age - 52 years, Occu. Household, R/o. 13/04, Hunde Niwas, Indira Nagar, Near Aniket Hospital, Kanjurmarg (East), Mumbai 400042.

... Defendants

6B] Sou. Megha Prasad Raktade,
Age – 34 years, Occu. Service,
R/o. 390, 3/3, Aandhra Association,
S. M. Road, In front of Atop Hill
Post Office, Atop Hill,
Mumbai 4000337.

6C] Shri. Shekhar Shivaji Shinde,
Age – 30 years, Occu. Service,
R/o. 13/04, Hunde Niwas, Indira
Nagar, Near Aniket Hospital,
Kanjurmarg (East),Mumbai 400042.

7] Shri. Ananda Bhairu Shinde,
Age – 52 years, Occu. Private
Service, R/o. Chintamani Photo
Studio, Ambikawadi, S. P. Road,
Wadala (East), Mumbai 400037.

... Defendants

Suit for partition and perpetual injunction.

Adv. V. R. Patil, appeared for the plaintiff,

Adv. S. B. Shinde, appeared for the defendant no.1,

**Adv. S. D. Dhanavade, appeared for the defendant nos.2
and 3,**

Adv. S. A. Patil, appeared for the defendant nos.4 and 7,

**Adv. R. R. Sharma, appeared for the defendant nos.6A
to 6C,**

No WS against defendant nos.5(1),

Ex-parte against defendant nos.5(2) and 5(3),

JUDGMENT(Delivered on 02nd May, 2026)

This is a suit for partition and perpetual injunction.

2. **Description of suit property :-**

[A] The following agricultural properties situated at village Mahagaon, Tal. Gadhinglaj, Dist. Kolhapur :-

Sr.No.	Gat Number	Total Area H – R.	Out of Area H – R.	Assessed at Rs. = Ps.
1]	229	00-20 Potkharab - 00-02	00.12	00=10
2]	1180	00-10.1	00-05.1	00=36
3]	1392	00-12	00-01	00=01

[B] The following agricultural properties situated at village Umbarwadi, Tal. Gadhinglaj, Dist. Kolhapur :-

Sr.No.	Gat Number	Total Area H – R.	Out of Area H – R.	Assessed at Rs. = Ps.
1]	146	00-24	00-24	01=75
2]	147	00-29	00-29	02=12
3]	154	00-05.1 Potkharab – 00-01	00-02	00=17

4]	158	00-27	00-27	00=25
5]	160/B	00-13	00-13	00=47
6]	161 (including Houses, Bore and Motorpump)	01-66.8	01-66.8	00=51
7]	206	00-18	00-18	00=25
8]	260	00-87	00-87	00=94

[C] The house property situated at village Mahagaon, Tal. Gadhinglaj, Dist. Kolhapur bearing C.S.No.1352, area 112.8 sq.mtrs out of which 1/3 share area bearing Grampanchayat Property No.684.

(Hereinafter referred as "suit properties" for the sake of brevity).

3. The plaintiff contends that all the defendants are the legal heirs of the deceased Bhairu Bhima Shinde, who died on 17/01/2005, and his wife Kamalabai, who had predeceased him on 23/08/1988. The family also had a daughter Housabai, who died on 23/03/1997, and her legal heirs are defendant Nos. 5/1, 5/2 and 5/3. The deceased Bhairu Bhima Shinde had six sons namely Datta (defendant No.1), Vitthal (defendant No.2), Bhimrao (defendant No.3), Shankar (defendant No.4), Shivaji (defendant No.6, since deceased, represented by his legal

heirs) and Ananda (defendant No.7), and the plaintiff Ganpat is also one of his sons. Thus, the plaintiff and the defendants together constitute the legal heirs of the deceased ancestor. After the death of Bhairu Bhima Shinde, the suit properties were mutated in the names of all the heirs by way of inheritance.

4. The plaintiff further states that he has been residing with his family at Mouje Mahagaon and has been jointly cultivating and enjoying the suit properties along with the other co-sharers. He claims a 1/8th share in all the suit properties. The plaintiff made sincere efforts to resolve the matter amicably. He personally approached defendant Nos. 1 to 3 requesting them to effect partition of his share, emphasizing that it would preserve the cordial family relations. However, the defendants flatly refused and told him to go wherever he wished. The plaintiff also tried through respected village elders and mediators, but the defendants ignored those efforts too, stating that they were not willing to effect equal partition and that they were being instigated by troublesome elements of the village.

5. Plaintiff further contended that in the second week of April 2015, defendant Nos. 1 to 3 obstructed the plaintiff from drawing water from the bore-well situated in Gat No. 161 at Mouje Umbarwadi, thereby interfering with his peaceful and lawful possession and enjoyment of the suit property. Thus, the plaintiff was left with no option but to approach this Court. He has

therefore filed the present suit seeking the partition and separate possession.

6. In rebuttal, the defendant no.1 filed his written statement and say below Exh.43, denying the plaintiff's claim. The defendant no.1 contends that every allegation made by the plaintiff in the plaint as well as in the temporary injunction application, describing the same as false, fabricated, mischievous and concocted. He raised a preliminary objection that the description of suit properties given by the plaintiff is defective, incomplete and ambiguous, particularly pointing out that the house number situated in Gat No. 161 has not been mentioned in the plaint. On account of this defect, he contended that the suit is not maintainable under Order 7 Rule 3 of the Civil Procedure Code and is therefore liable to be rejected. He further contended that no valid cause of action exists for filing the present suit and that the valuation of the suit as given by the plaintiff is also incorrect, and on both these grounds independently the suit deserves to be dismissed.

7. The defendant No. 1 admitted that the plaintiff and defendant Nos. 1 to 4, 6 and 7 are real brothers and that defendant Nos. 5(1) to 5(3) are the legal heirs of their deceased sister Housabai. He admitted that their mother Kamalabai died in 1988 and their father Bhairu Shinde died in 2005 and that after the death of their father, the suit properties were mutated in the

names of all the heirs. However, he strongly disputed the claim of the plaintiff that no partition had taken place. His most crucial defence is that the suit properties had already been partitioned by mutual consent on 27/10/2014, well before the filing of the present suit, in the presence of eight respectable Panchas namely Baburao Krishna Patade, Shankar Parsu Ghugare, Nana Parsu Bugade, Ashok Krishna Kokitkar, Ananda Narsing Chougule, Ishwar Appa Shinde, Maruti Ramu Kadukar and Shivaji Ramu Halvankar. As per the said partition, specific properties were allotted to each co-sharer. The plaintiff was allotted 1 acre of land from Gat No. 161 along with one house from the same Gat, the entire Gat No. 160(B) and 1/4 Guntha land from Gat No. 1180. Similarly, specific shares were allotted to each of the defendant Nos. 1, 2, 3, 4, 6 and 7 as well. A rough memorandum was prepared and signed by all the parties as well as the Panchas, and thereafter each party entered into possession and cultivation of their respective allotted shares. As regards the bore-well and motor pump, it was mutually agreed that each co-sharer would use it in rotation for one day and the electricity charges would be borne equally by all.

8. Defendant No. 1 further stated that their deceased sister Housabai's legal heirs i.e. defendant Nos. 5(1) to 5(3) had given their consent to the said partition and had not claimed any share in the suit properties, since their mother Kamalabai had already given Housabai two tolas of gold ornaments during her

lifetime. Since the partition had already been effected prior to the filing of the present suit, the plaintiff has absolutely no legal right or authority to again seek partition through Court, and therefore the suit is not maintainable in law and deserves to be dismissed with costs.

9. He also contended that the plaintiff has filed this false and vexatious suit solely with the malicious intention of harassing him financially, mentally and physically, and therefore requested the Court to award compensatory costs of Rs. 50,000/- from the plaintiff in his favour along with dismissal of the suit with full costs.

Case of the defendant nos.2 and 3 in nut-shell is as under :-

10. Defendant Nos. 2 and 3, namely Vitthal Bhairu Shinde and Bhimrao Bhairu Shinde respectively, filed their joint written statement below Exh.86 and denied the plaint allegations describing the same as false and fabricated. They raised preliminary objections contending that the suit is not filed within limitation, that necessary parties have not been impleaded, that all the suit properties have not been included in the suit, and that the suit valuation is deliberately kept low with insufficient court fee stamps, on account of all which the suit is not maintainable and deserves to be dismissed.

11. The defendant nos.2 and 3 pointed out an important

genealogical fact that Gat No. 1392 and City Survey No. 1352 originally belonged to their common ancestor Bhima, who had three sons namely Parsu, Santu and Bhairu. Out of them, Parsu was given in adoption by Bhima. Therefore, after the death of Bhima, the said properties passed to Santu and Bhairu. After the death of Bhairu, his share came to the plaintiff and defendants, while Santu's share passed to his sons Babu, Mahadev and Maruti. The plaintiff has deliberately not impleaded Santu's sons as parties to the suit, even though they are necessary parties for the partition of Gat No. 1392 and City Survey No. 1352. On this ground alone the suit is not maintainable.

12. They further stated that apart from the above properties, all other suit properties had already been partitioned by mutual consent through Panchas on 27/10/2014 and each party has been in separate possession and cultivation of their respective shares ever since. They also pointed out that from the joint family income, Gat No. 1183 at Mouje Mahagaon was purchased by defendant No. 7 Ananda Bhairu Shinde on 24/12/1996 by registered deed from Tukaram Jotiba Bhosale and his wife Anusaya Tukaram Bhosale. The said property is still joint and the plaintiff has deliberately omitted it from the suit. On account of non-joinder of necessary parties and non-inclusion of necessary properties, the suit is not maintainable and deserves to be dismissed. They further alleged that the plaintiff has filed this false suit in collusion with defendant Nos. 4, 6 and 7 to harass

them and therefore sought compensatory costs of Rs. 20,000/- from the plaintiff along with dismissal of the suit with full costs.

Case of the defendant nos.4, 6 and 7 in nut-shell is as under :-

13. Defendant Nos. 4, 6 and 7, namely Shankar Bhairu Shinde, Shivaji Bhairu Shinde and Ananda Bhairu Shinde respectively, filed their joint written statement below Exh.37 and their stand is entirely different from that of defendant Nos. 1, 2 and 3. These defendants have broadly admitted the plaintiff averments and supported the case of the plaintiff.

14. They admitted that the description of suit properties as given by the plaintiff in the plaint is generally correct and that the genealogy mentioned in the plaint is also correct. They candidly stated that the plaintiff and all the defendants constitute a joint family and that though they are separate in terms of food and kitchen, the suit properties have never been partitioned by equal and fair division at any point of time. They specifically denied the case set up by defendant Nos. 1 to 3 that any partition had already taken place on 27/10/2014.

15. These defendants further stated that they also have a legal share in the suit properties and therefore requested the Court to grant partition and separate possession of their respective legal shares along with that of the plaintiff. They expressed their willingness to pay the proportionate court fee for their respective

shares. They made it clear that they have no objection whatsoever to the plaintiff's suit being decreed as prayed, and requested that their legal shares in the suit properties also be separately carved out and delivered to them. In the alternative, if separate partition is not legally feasible, they requested that their legal shares be confirmed in joint enjoyment along with the plaintiff and other defendants.

Case of the defendant nos.6A, 6B and 6C in nut-shell is as under :-

16. Defendant Nos.6A, 6B and 6C namely Shankar Bhairu Shinde, Shivaji Bhairu Shinde and Ananda Bhairu Shinde respectively have filed their joint written statement below Exh.61. Defendant Nos. 6A, 6B and 6C, namely Akkabai Shivaji Shinde, Megha Prasad Raktade and Shekhar Shivaji Shinde respectively, are the legal heirs of the deceased defendant No. 6 Shivaji Bhairu Shinde, who died on 02/05/2017 at King Edward Memorial Hospital and Medical College, Mumbai, during the pendency of the suit.

17. These defendants filed a pursis stating that defendant No. 6 Shivaji Bhairu Shinde along with defendant Nos. 4 and 7 had already filed a joint written statement in the present suit prior to his death. They confirmed that all the contents of the said written statement filed by defendant Nos. 4, 6 and 7 are true and correct, and requested that the said written statement be read as the written statement of defendant Nos. 6A, 6B and 6C as well in

the present proceeding.

18. After considering rival pleadings from both sides, my Ld. Predecessor has framed issues below Exh.47. Those issues alongwith their findings with reasons thereon are as under :-

Sr. No.	POINTS	FINDINGS
1)	Does the defendant no.1 establish that the suit properties bearing Gat Nos.146, 147, 154, 161 and 229 are his self acquired properties ?	... No
2)	Does the defendant no.1 establish previous partition dated 27.10.2014 ?	... No
3)	Is the plaintiff entitle for partition and separate possession of his share ?	... Yes
4)	Is the defendant no.1 is entitle for compensatory costs ?	... No
5)	What order and decree ?	... As per final order.

REASONS

19. Plaintiff's oral evidence :-

Sr. No.	Witness No.	Name of Witness	Exhibit
1)	1	Ganpat Bhairu Shinde (plaintiff)	62

20. **Plaintiff's documentary evidence :-**

Sr. No.	Description of document	Exhibit
1)	8-A extract of Khate No.638 of village Mahagaon, Tal. Gadhinglaj	63
2)	7/12 extract of Gat No.229 of village Mahagaon, Tal. Gadhinglaj	64
3)	7/12 extract of Gat No.1180 of village Mahagaon, Tal. Gadhinglaj	65
4)	7/12 extract of Gat No.1392 of village Mahagaon, Tal. Gadhinglaj	66
5)	Assessment extract of village Mahagaon bearing Grampanchayat Property No.602	67
6)	8-A extract of Khate No.146 of village Umbarwadi, Tal. Gadhinglaj	68
7)	7/12 extract of Gat No.146 of village Umbarwadi, Tal. Gadhinglaj	69
8)	7/12 extract of Gat No.147 of village Umbarwadi, Tal. Gadhinglaj	70
9)	7/12 extract of Gat No.154 of village Umbarwadi, Tal. Gadhinglaj	71
10)	7/12 extract of Gat No.158 of village Umbarwadi, Tal. Gadhinglaj	72
11)	7/12 extract of Gat No.160/N of village Umbarwadi, Tal. Gadhinglaj	73
12)	7/12 extract of Gat No.161 of village Umbarwadi, Tal. Gadhinglaj	74

13)	7/12 extract of Gat No.206 of village Umbarwadi, Tal. Gadhinglaj	75
14)	7/12 extract of Gat No.260 of village Umbarwadi, Tal. Gadhinglaj	76
15)	Property card extract of C.S.No.1352 of village Mahagaon, Tal. Gadhinglaj	77
16)	Assessment extract of village Mahagaon bearing Grampanchayat Property No.684	78
17)	Assessment extract of village Mahagaon bearing Grampanchayat Property No.602	79

21. **Defendant nos.2 and 3's oral evidence :-**

Sr. No.	Witness No.	Name of Witness	Exhibit
1)	1	Vitthal Bhairu Shinde (defendant no.2)	92
2)	2	Nana Parasu Ghugare	96

Admitted facts :-

22. Before going into the disputed issues, it would be better to first note the facts which are not in dispute. It is not disputed that the plaintiff and defendant Nos. 1 to 4, 6 and 7 are real brothers, being the sons of late Bhairu Bhima Shinde and his wife Kamalabai. It is also admitted that defendant Nos. 5(1) to 5(3) are the legal heirs of Housabai, who was their sister.

23. There is no dispute that Kamalabai died earlier on 23/08/1988, and thereafter Bhairu Bhima Shinde died on 17/01/2005. It is also admitted that after his death, the names of all the heirs, including the plaintiff and defendants, were entered jointly in the revenue records of the suit properties. This is clear from the 7/12 extracts, 8-A extracts and property cards at Exh. 63 to 79.

24. It is further not in dispute that the suit properties were owned and possessed by Bhairu Bhima Shinde during his lifetime. Defendant Nos. 4, 6 and 7 have also clearly admitted in their written statement that the suit properties are joint family properties and that no partition has taken place.

25. Thus, the relationship between the parties, the death of the parents, the joint nature of the properties, and the mutation entries in the names of all heirs are all admitted facts in the present case.

26. Now, the dispute which remains to be decided is on two points. First, under Issue No. 1, whether the properties bearing Gat Nos. 146, 147, 154, 161 and 229 are the self-acquired properties of defendant No. 1. Second, under Issue No. 2, whether there was an earlier partition by mutual consent dated 27/10/2014, as claimed by defendant Nos. 1, 2 and 3.

As to issue nos.1 and 2 :-

27. Both the issues are inter-linked with each other, therefore, they are taken for common discussion to avoid repetition.

28. As regards Issue No. 1, defendant No. 1 has claimed that the suit properties bearing Gat Nos. 146, 147, 154, 161 and 229 are his self-acquired properties. Therefore, the burden lies on defendant No. 1 to prove that these properties are self-acquired. If this claim is accepted, the other co-sharers would lose their shares. It is, therefore, necessary to examine whether defendant No. 1 has discharged this burden.

29. On perusal of the record, it appears that there is no documentary evidence, such as sale deeds or purchase documents, to show that the properties were acquired from independent income. A mere statement in the written statement is not sufficient to discharge this burden. It was necessary for defendant No. 1 to establish this fact by leading cogent evidence. It is also important to note that defendant No. 1 has not stepped into the witness box to support his case on oath. Hence, an adverse inference can be drawn against him.

30. On the other hand, the revenue record produced at Exhs. 64, 69, 70, 71 and 74 clearly shows that after the death of Bhairu Bhima Shinde, the names of all the heirs were entered

jointly in the record of rights. If the properties were truly self-acquired, it would be expected that defendant No. 1 would have challenged those mutation entries. However, no such steps were taken by him to set aside or cancel those entries.

31. In addition, it is significant that the other co-sharers, namely defendants Nos. 4, 6 and 7, have denied the claim that the properties mentioned in Issue No. 1 are self-acquired. In these circumstances, when there is no documentary or oral evidence from defendant No. 1, and the revenue record shows joint ownership, the claim of self-acquisition cannot be accepted. Accordingly, Issue No. 1 is answered in the negative.

32. As regards Issue No. 2, it goes to the root of the matter. According to defendant No. 1, there was a prior partition between the parties, which was effected by mutual consent in the presence of panchas on 27.10.2014. If this fact is proved, the present suit for partition would not survive. Therefore, this aspect requires careful scrutiny.

33. It is important to note that defendant No. 2 has made a significant admission in his cross-examination that no details of the alleged partition were given in the written statement. He has also failed to explain why the document was not produced. The evidence of the panch witness Nana Ghugare, does not inspire confidence, as he has failed to give important details about the

properties. On the other hand, defendants Nos. 4, 6 and 7 have clearly denied that any partition took place between them. Further, the revenue record is also against defendant No. 1. A perusal of the documents at Exhs. 63 to 79 shows that the names of all legal heirs are jointly recorded. There is no entry indicating any division or separate possession on the basis of the alleged partition. If such a partition had taken place and was acted upon, it would normally be reflected in the revenue record.

34. Considering all these circumstances together, it leads to the conclusion that there was no prior partition between the parties. As stated earlier, a mere assertion in the written statement is not sufficient to prove such a fact. It is also important to note that none of the defendants cross-examined the plaintiff, and therefore, the plaintiff's evidence has remained unchallenged. Taking the evidence as a whole, it is held that the alleged partition deed dated 27.10.2014 has not been proved by the defendants. Accordingly, Issue No. 2 is answered in the negative.

As to Issue No. 3:

35. This issue follows from the findings on Issues Nos. 1 and 2. Once it is held that the suit properties are not the self-acquired properties of defendant No. 1 and that there was no prior partition, the next question that arises is whether the plaintiff is entitled to partition. On this point, the position is clear. It is admitted that the plaintiff and defendants Nos. 1 to 4, 6 and 7 are

the sons of late Bhairu Bhima Shinde, and defendants Nos. 5(1) to 5(3) are the legal heirs of his daughter Housabai. It is also not in dispute that the suit properties originally belonged to Bhairu Bhima Shinde and that, after his death, the names of all his heirs were entered jointly in the revenue record. It is already held that no partition has taken place so far. In these circumstances, the plaintiff is entitled to an equal share in the suit properties.

36. At the same time, it is necessary to consider the objection raised by defendants Nos. 2 and 3 regarding non-joinder of parties. In this regard, the document at Exh. 77 assumes importance. On perusal of the property card of City Survey No. 1352 at Exh. 77, it appears that the names of Bhairu, Parsu and Santu were originally recorded as owners. After the death of Bhairu, the names of his heirs, namely Datta, Vitthal, Bhimrao, Shivaji, Ananda, Ganpat and Shankar, were mutated in his place. This clearly shows that the present suit relates only to the partition of Bhairu's share in the said property among his legal heirs. The shares of Parsu and Santu are separate and do not form part of the present suit. Therefore, the objection of defendants Nos. 2 and 3 regarding non-joinder of the heirs of Santu has no merit and does not affect the maintainability of the suit. The partition in respect of City Survey No. 1352 and Gat No. 1392 shall be limited to the share of Bhairu Bhima Shinde, and the shares of Parsu and Santu shall remain unaffected.

37. In conclusion, the plaintiff has proved his right as a co-sharer and is entitled to partition and separate possession of his share. Accordingly, the plaintiff is entitled to a 1/8th share in the suit properties. Hence, Issue No. 3 is answered in the affirmative.

As to issue no.4 :-

38. Defendant No. 1 has claimed compensatory costs of Rs. 50,000/-, and defendants Nos. 2 and 3 have claimed Rs. 20,000/- each on the ground that the suit is false and vexatious. However, in view of the findings in favour of the plaintiff, the question of granting compensatory costs does not arise. Hence, the claim for compensatory costs is without merit, and Issue No. 4 is answered in the negative.

As to issue no 5 :-

39. In the result, I proceed to pass the following in answer to issue no.5 :-

ORDER

- 1] The suit is decreed with cost.
- 2] A preliminary decree for partition is passed declaring the shares of the parties as under —
 - [i] Plaintiff and defendant nos.1, 2, 3, 4 and 7 — 1/8th share each.
 - [ii] The defendant Nos.5(1) to 5(3) and 6A to 6C — 1/24th share each.

- 3] A precept shall be sent to the concerned Collector, Kolhapur to effect partition and to give the possession of the agricultural lands out of suit properties by metes and bounds in accordance with the shares determined herein-above and to submit a report to this court for passing the final decree.
- 4] The Court Commissioner be appointed for effecting the partition of the house properties out of suit properties.
- 5] The defendant nos.1 to 3 or anyone on their behalf are permanently restrained from interfering with the peaceful possession and enjoyment of the plaintiff in the suit property.
- 6] The defendant nos.1 to 3 or anyone on their behalf are permanently restrained from obstructing the plaintiff from drawing water from the bore-well situated at Gat No.161.

(Decree be drawn up accordingly.)

Place : Gadhinglaj.
Date : 02.05.2026.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj.