

	Haribhau Ganpati Bodake Vs Ganpati Tukaram Jadhav etc.07
	CNR No. MHKO130013712024

Order below Exh. 1 in Final Decree Application .No. 5/2024

1. The present execution petition has been filed by the decree holder for appointment of Court Commissioner for partition of suit house property bearing R.S. No. 560 situated at Mouje Shendur, Tal. Kagal as per the judgment and order dated 11/07/2024. It is submitted that the decree holder had filed a suit for partition and perpetual injunction bearing R.C.S. no. 158/2015. The said suit was decreed on 11/07/2024. Accordingly the present darkhast is filed. On issuance of notice judgment debtor no. 4 to 8 despite service of summons failed to appear therefore the darkhast proceeded ex-parte against them. Judgment debtor no. 1 and 3 despite appearance failed to file their Say therefore the darkhast proceeded without their Say vide order below Exh. 1. The name of Judgment Debtor no. 2 is deleted.

2. It is submitted by the learned advocate for decree holder that appeal has not been preferred against the judgment and order dated 11/07/2024 in RCS no. 158/2015 therefore there is no difficulty in proceeding with the darkhast. In view thereof the judgment and order dated 11/07/2024 in RCS no. 158/2015 needs to be executed with respect to house property and open space bearing Gram Panchayat Milakat No. 325/2(city survey no. 560) admeasuring 427.7 Sq.mt. Situated at village Shendur, Tal. Kagal. Accordingly I pass following order.

Order

1.	Advocate Shri. Nilesh Shetake is appointed as Court
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	Commissioner.
2.	He shall allot the share to the respective parties in house property and open space bearing Gram Panchayat Milakat No. 325/2(city survey no. 560) admeasuring 427.7 Sq.mt. Situated at village Shendur, Tal. Kagal as per the judgment and order dated 11/07/2024 in RCS no. 158/2015 and decree holder and judgment debtors be put in their separate possession. (The judgment debtors shall pay the necessary Court fees).
3.	The Court Commissioner shall submit its report within 3 months from today.
4.	The fee of Court commissioner is quantified to Rs. 6,000/- (Six Thousand only). It shall be paid by the decree holder.
5.	Issue writ accordingly.

Kagal
Date:- 10/11/2025

(A.B.Madake)
Civil Judge Junior Division,
Kagal.