

MHKO140002222024



**Civil M.A. No. 10/2024**

**Order Below Exh-1**

**Shevant Vs Anandi**

**( Dated 16/04/2026 )**

Perused the record and proceeding. Record shows that applicant has filed the present execution proceeding for effecting the partition of the agricultural land as per decree passed in R.C.S. No.35/2011.

2. No Say order has been passed against opponent Nos. 2, 4, 5, 7 and ex-parte order has been passed against opponent nos. 1 to 12.

3. The petition has been filed for effecting the partition of agricultural lands. As per section 54 of Code of Civil Procedure the Collector is appropriate authority to effect the partition of the agricultural lands. For effecting the partition of agricultural land, there is no need to file separate execution petition. It is the duty of the Court to sent precept to the Collector for execution of partition of agricultural lands.

4. I relied upon the case of ***Annasaheb Rajaram Nagane and anothers Vs Rajaram Maruti Nagane and anothers 2001(3) Mh.L.J.53*** wherein the Hon'ble Bombay High Court held that application praying for sending the preliminary decree and necessary papers to the collector under section 54 of Code of Civil Procedure is not application in execution. In the said judgment the direction given if application seeking the direction to send the necessary paper to the collector is pending before the Court, the same should be disposed

within 30 days from the receipt thereof. Even the direction are given that all the pending petition/application must be disposed of as early as possible. On all these grounds, he prayed to send the precept to Collector.

5. It has been further observed in the aforesaid Judgment that while sending the decree to Collector notice to any party is not necessary, but, rule of caution notice were issued to opponent. It is needless to mention here that for the house properties if any, separate petition is required to be filed. Hence, I pass the following order.

<b>ORDER</b>	
1.	Precept be send to the Collector, Kolhapur for execution of Decree regarding the agricultural lands as per order passed in R.C.S. No. 35/2011.
2.	Concerned clerk to comply the same.
3.	The applicant to file for necessary documents for sending the precept to Collector, Kolhapur.
4.	Civil M. A. is disposed off accordingly.

**Chandgad.**  
Date -16/04/2026

**Sd/-**  
**(V. S. Agarwal)**  
Civil Judge Jr.Dn.,  
Chandgad.