

	<p style="text-align: center;"><u>ORDER PASSED BELOW EXH.87 IN R.D. NO.08/2015</u> (Passed on 16th day of April, 2026) Shankar Vs. Dnyanoba CNR NO. MHLA050019092025</p>
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01. The judgment debtor No.1 has preferred the present application seeking examination of the decree holder, court commissioner and Talathi of village Sonkheda for identification of the suit land and proper adjudication of the decree.

02. The decree holder has strongly opposed the application contending that, the same is frivolous, repetitive and intended only to delay execution. It is pointed out that, measurement of the suit land has already been carried out through the court commissioner pursuant to orders of this Court, reports, map and panchnama are already on record. Objections raised by J.D. No.1 were considered earlier, possession warrant has been issued, the J.D. has unsuccessfully litigated the matter up to the Hon'ble High Court and the Hon'ble Supreme Court.

03. On perusal of the record, it is evident that, measurement and fixation of the boundaries of the suit land have already been conducted through the court commissioner as per orders of this Court, and the commissioner's report, map and panchnama are on record. Objections raised by J.D. No.1 to the execution have been adjudicated and rejected. The executing court cannot go behind the decree or reopen issues already concluded. The present application seeks, in effect, to re-agitate settled issues and amounts to an attempt to delay execution.

04. It is well settled that, execution proceedings are meant to

enforce the decree as it stands and not to permit a roving or fishing enquiry. Examination of the court commissioner or revenue officers at this stage, when their reports are already on record and have been acted upon, is wholly unwarranted.

05. The conduct of J.D. No.1, in filing successive applications after dismissal of objections and after exhaustion of remedies before superior courts, clearly shows an intention to obstruct and delay execution of the decree.

06. Hence, the present application is devoid of merits and liable to be rejected. Hence, I pass the following order:-

-: ORDER :-

1. The application filed by J.D. No.1 is hereby rejected.
2. Execution proceedings shall proceed further in accordance with law.
3. In the circumstances, costs of Rs.1,000/- are imposed on J.D. No.1.

(Dictated and pronounced in open Court).

Place:-Ahmedpur.
Date:- 16/04/2026.

(R.D. Wabale)
Jt. Civil Judge Senior Division,
Ahmedpur.