

	<p style="text-align: center;"><u>ORDER PASSED BELOW EXH. 84 & Exh. 94 IN</u> <u>R.D. NO.08/2015</u> (Passed on 4th day of May, 2026) Shankar Vs. Dnyanoba CNR NO. MHLA050019092025</p>
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01. Perused the application filed by the Decree Holder for issuance of possession warrant in execution of decree passed in R.C.S. No. 140/1985.

02. Its appears that decree for delivery of possession of suit land i.e. 3 acre 18 Gunthas out of old survey no. 15/1/B(New Gat No. 35) of village Sonkhed, Tq. Ahmedpur, has attained finality and there is no stay to the execution of the said decree.

03. The Judgment debtor has strongly opposed the application contending that, the measurement carried out by Dy. S.L.R./T.I.L.R is not proper and his objection are yet to be decided, and therefore the present application is premature. It is further contended that reliance of such measurement would give rise to multiplicity of proceedings. Lastly he requested to reject the application.

04. Heard Ld. Counsel for the decree holder and Judgment debtors.

05. On perusal of record, it reveals that the decree passed in R.C.S. No. 140/1985 for delivery of possession of land admeasuring 3 Acre 18 Gunthas out of old survey no. 15/1/B(New Gat No. 35) of village Sonkhed, Tq. Ahmedpur has, attained finality. This court had, from time to time, appointed T.I.L.R. for measurement and fixation of boundaries. Measurement has been carried out and report along with

map is placed on record. Before this application, Judgment debtors have filed various application to object the measurement and correctness of map, the said applications are already rejected by this court, therefore contention of judgment debtor that present application is premature is not sustainable.

06. The objection raised by Judgment debtor pertain to the correctness of measurement can not stall execution of the decree that has attained finality. The executing Court can not go behind the decree. The material on record sufficiently identifies the suit property and its boundaries as per decree and measurement map dated 28/03/2025.

07. It further appears that earlier attempts to deliver possession could not succeed due to obstruction caused by Judgment debtor and his relatives. Hence, mere issuance of possession warrant without police aid would not serve the purpose.

08. Therefore, this court is satisfied that the decree holder is entitled to delivery of possession and that police assistance is necessary for effective execution of the decree.

:- ORDER :-

1. The application is hereby allowed.
2. Issue possession warrant in favour of the Decree Holder for delivery of possession of land admeasuring 3 Acre 18 Gunthas out of old Survey no. 15/1/B(New Gat No. 35) of village Sonkhed, Tq. Ahmedpur, in accordance with the decree.
3. The Bailiff shall execute the warrant as per measurement map / report dated 28/03/2025.

4. The Bailiff is hereby permitted to take police aid for execution of the warrant.
5. The Kingaon police station shall render necessary assistance to the bailiff for peaceful execution of the decree by providing two male and two female constable.
6. The bailiff shall remove obstruction, if any, and deliver vacant and peaceful possession to the Decree Holder.

(Dictated and pronounced in open Court).

Place:-Ahmedpur.
Date:- 05/05/2026.

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