



Received on :- 12/06/2025.
Re-registered on :- 14/02/2026.
Decided on :- 11/06/2026.
Duration :- 00Y.11M.30D.

**IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION,
AT AUSA, DISTRICT LATUR.**

(Presided Over By :- P. I. Mokashi)

**Regular Civil Suit No.720/2026.
Old R.C.S. No. 399/2025.
Exh. No. :- 17.**

Jaitunbee Umar Patel,
Age :- 75 Years, Occupation :- Household,
R/o :- Famous Juice Center, Udgir Road,
Nilanga, Tq. Nilanga, Dist. Latur. **... Plaintiff.**

V e r s u s

1. Sattar Allabaksha Patel,
Age :- 65 Years, Occupation :- Agriculturist,
R/o :- At post Jawali, Tq. and Dist. Latur.
2. Usman Allabaksha Patel,
Age :- 55 Years, Occupation :- Agriculturist,
R/o :- At post Jawali, Tq. and Dist. Latur.
3. Taherabi Jainu Dalimbkar,
Age :- 70 Years, Occupation :- Household,
R/o :- Kelgaon, Tq. Nilanga, Dist. Latur.
4. Husena Bashir Shaikh,
Age :- 68 Years, Occupation :- Household,
R/o :- Sangam Savali, Kamal Nagar, Bidar Karnatka
...Defendants.

Appearance:-

Shri. F. P. Sayyad, Advocate for plaintiff.

Ex-parte against defendant Nos. 1 to 4.

J U D G M E N T

(Delivered on 11th June, 2026)

The plaintiff has filed this suit for partition and separate possession of suit property.

Brief facts of the suit are as follows :-

2. It is averred by the plaintiff that, defendant Nos. 1 and 2 are real brothers, defendant Nos. 3 and 4 are real sisters of the plaintiff. The plaintiff and all defendants are Muslim and they are governed by Mohammedan Hanafi principles. The father of plaintiff and defendants namely Allabaksha Mahetabsab Patel died in the year 2004 as well as mother Chandbi Allabaksha Patel died in the year 2001. After their demise, the plaintiff and defendants have become the real successors and legal heirs of deceased Allabaksha Mahetab Patel as well as they became tenants in common.

3. It is further averred by the plaintiff that, the deceased Allabaksha Mahetab Patel was the owner and possessor of land bearing Gat No.404 admeasuring 01 Hectar 30 R and land bearing Gat No. 421 admeasuring 00 Hectar 53 R respectively situated at Jawali, Tq. Ausa Dist. Latur.

The four boundaries of land Gat No.404 is as under:-

Towards East : Land of Sanjay Vishwambhar Yadav and
Vijaykumar Vishwambhar Yadav.

Towards West : Government land.
Towards South : Government land.
Towards North : Land of Dilip Prabhakar Yadav and
Waman Dhondiba Chipde.

The four boundaries of land Gat No.421 is as under;

Towards East : Land of Dagdu Mahetabsab Patel.
Towards West : Land of Mohammad Hanif Shaikh,
Salar Usman Patel and Sultan Chand
Patel.
Towards South : Land of Yadavs'.
Towards North : Land of Nizam Mubarak Shaikh and
Ayyub Mubarak Shaikh.

The above said lands is henceforth referred to as "Suit Lands".

4. It is further averred by the plaintiff that, the plaintiff had married during the lifetime of her father and mother. The father of plaintiff had cultivated the said land. After his demise defendant Nos. 1 and 2 i.e. brothers of plaintiff have been cultivating suit lands. Defendant Nos. 1 and 2 have been used to give some share or grains from the income or agricultural produce of suit lands to the plaintiff and other defendants yearly. As well as defendant Nos. 1 and 2 have been calling plaintiff and other defendants on Ramzan and Bakri Eid and were giving Sari and bangles etc. After the demise of father of the plaintiff and defendants, all of them have become tenants in common. Defendant Nos. 1 and 2 were cultivating the suit lands and giving shares regularly in the income of suit lands to the plaintiff till March 2023.

5. It is further averred by the plaintiff that, in the year 2024, defendant Nos. 1 and 2 had failed to provide the share of grains to the plaintiff from the income of suit lands. Thus, the plaintiff asked them in December 2024 for her share in the income of suit land. At that time, they said that they will give her share in the next season. So, the plaintiff has waited till March 2025. But, they failed give her share. Therefore, the plaintiff again asked to them about her shares in the income of suit lands. But, defendant Nos. 1 and 2 have flatly refused to give her share from the income of suit lands and said that they will never give share to plaintiff from the income of suit lands.

6. It is further averred by the plaintiff that, thereafter, lastly at Ramzan Eid 2025 i.e. on 31/03/2025 the plaintiff had been to the house of defendant Nos. 1 and 2 and called also defendant Nos. 3 and 4 and asked them about the partition of suit property and to give her share in the suit lands as per Mohammedan Law. But all defendants refused to the request of plaintiff. Hence, she filed the present suit.

7. It is further averred by the plaintiff that, suit lands are not divided/partitioned till today. The plaintiff has right, interest and share in the suit lands. Thus, the plaintiff entitled $1/7^{\text{th}}$ share in the suit lands as per Mohammedan Law. On 31/03/2025, plaintiff asked to defendants for partition of both suit lands but defendants flatly refused to partition suit lands. Hence, cause of action accrued to the plaintiff to file the present suit. Therefore, it is prayed by the

plaintiff that decree of partition and separate possession may be passed in favour of plaintiff against defendants and decree of partition of suit lands be sent to Collector, Latur for its execution.

8. Defendant Nos. 1 to 4 failed to appear before the Court though served with summons. Hence, the suit proceeded ex-parte against defendant Nos. 1 to 4.

9. In view of averments made by the plaintiff following points arose for discussion and my findings thereon are as under:-

Sr. No.	Points	Findings
1.	Does the plaintiff prove that, she has 1/7 th share in the suit lands ?	Yes.
2.	Does the plaintiff prove that, she is entitled for partition and separate possession of her share in the suit lands ?	Yes.
3.	What order and decree?	Suit is decreed.

REASONS

10. In support of the suit the plaintiff has examined herself as P.W. No. 1 at Exh. 14. The plaintiff has filed certified copy of 8-A extract of suit lands, digital certified copies of 7/12 extracts of Gat Nos. 404 and 421 of village Jawali, Tq. Ausa, Dist. Latur along with list Exh. 4. The plaintiff further filed receipts of R.P.A.D. dated 17/10/2025, 21/10/2025, 13/01/2026 and 27/01/2026 respectively along with list Exh. 13 and evidence close pursis at Exh.15.

AS TO POINT NOS.1 AND 2:-

11. Heard learned advocate for the plaintiff. The plaintiff Jaitunbee Patel (PW1) has reiterated the contents of plaint in her affidavit of examination-in-chief (Exh.14). Therefore, it is not necessary to repeat the same again. The suit proceeded “*Ex-parte*” against defendant Nos.1 to 4. Hence, “No cross” order is passed against them. Therefore, the evidence adduced on behalf of plaintiff has remained unchallenged.

12. The plaintiff has filed pursis (Exh. 16) describing shares of plaintiff and defendants in Gat Nos. 404 and 421 of village Jawali, Tq. Ausa, Dist. Latur.

Partition According to Mohammedan Law**IN Gat No. 404 admeasuring 1 H 30 R**

Allabaksh Patel (died)

Chandbee Allabaksha Patel (Wife) (died)

Sattar	Usman	Jaitunbee Umar	Taherabi Jainu	Husena Bashir
Allabaksha	Allabaksha	Patel	Shaikh	Dalimbkar
Patel	Patel	(daughter)	(daughter)	(daughter)
(Son)	(Son)	(18.57 R)	(18.57 R)	(18.57 R)
(37.14 R)	(37.14 R)			

Partition According to Mohammedan Law**IN Gat No. 421 admeasuring 00 H 53 R**

Allabaksh Patel (died)				
Chandbee Allabaksha Patel (Wife) (died)				
Sattar	Usman	Jaitunbee Umar	Taherabi Jainu	Husena Bashir
Allabaksha	Allabaksha	Patel	Shaikh	Dalimbkar
Patel	Patel	(daughter)	(daughter)	(daughter)
(Son)	(Son)	(7.57 R)	(7.57 R)	(7.57 R)
(15.14 R)	(15.14 R)			

13. According to certified copy of 8-A extract name of deceased Allabaksha Mahetabsab Patel is appearing in the ownership column. Furthermore, the 7/12 extract of Gat No. 404 name of deceased Allabaksha Mahetabsab Patel is appearing in the ownership column and 7/12 extract of Gat No. 421 name of deceased Allabaksha Mahetabsab Patel and Dagdu Mahetabsab Patel is appearing in the ownership column. Name of Allabaksha Mahetabsab Patel in Gat No. 421 is to the extent of ownership of 54 R land. Therefore, considering facts that plaintiff is having 1/7th share in the suit lands as per Mohammedan Law and plaintiff being the daughter of deceased Allabaksha Mahetabsab Patel and Chandbi Allabaksha Patel, she is entitled for partition and separate possession of suit lands to the extent of her 1/7th share. Therefore, I answer point Nos. 1 and 2 in the affirmative.

AS TO POINT NO.3:-

14. In view of above discussed facts proved by the plaintiff and considering documents produced on record by plaintiff it is proved that, plaintiff and defendant Nos.3, 4 are entitled for 1/7th shares each in the suit lands. Defendant Nos. 1 and 2 are entitled for one half shares each in the suit lands. Hence, in answer to issue No.3 I pass following order:-

ORDER

1. The suit is decreed.
2. The partition be effected between plaintiff and defendant Nos. 1 to 4 in suit lands to the extent of 1/7th share of plaintiff, defendant Nos. 3 and 4 each and one half share between defendant Nos. 1 and 2 as per Mohammedan Law.
3. Issue precept to the Collector, Latur for effecting partition under section 54 of the Civil Procedure Code, in the suit lands i.e. agricultural lands bearing Gat No. 404 and 421 situated at village Jawali, Tq. Ausa, Dist. Latur by metes and bounds.
4. Decree be drawn up accordingly.

(Judgement dictated and declared in the open Court.)

Date :- 11/06/2026.

Place :- Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.