

MHND120002512026



REG. DAR. No. 16 OF 2026

Priya Gangadhar Ebidar

Vs.

Gangasagar Naresh Pawar & Ors.5

ORDER BELOW EXH.1

(Passed on : 10/06/2026)

1] Present execution petition is filed to send all papers in decree passed in Reg. Civil Suit No. 209/2018 dated 05/03/2026 to the District Collector, Nanded, for effecting partition. The learned Advocate Shri. S.V. Kadam for DH filed pursis below exh. 6 and mentioned that appeal is not pending against decree.

2] The Hon'ble Bombay High Court in **Annasaheb Rajaram Nagane Vs. Rajaram Maruti Nagane and Ors., reported in AIR 2001 Bom.-303**, held 6 pt that,

"No notice to any of the parties to the application is necessary as it is not a petition seeking any adjudication of any of rights of the parties".

3] In view of above direction there is no need to issue notice to judgment debtors of this proceeding. Further more, in above judgment Hon'ble Bombay High Court has given general direction to All Civil Courts which are as under:-

GENERAL DIRECTION TO ALL CIVIL COURTS.

By way of general directions, all the Civil Courts are directed to remit, to the Collector, within four months from the date of signing the decree under Section 54 of CPC, all the relevant papers for partition of property or a separate possession of undivided estate assessed to the payment of revenue to the Government, without there being any application or request of prayer for the same, so as to follow the mandate of Section 54 of CPC.

Any application seeking direction to send necessary papers to the Collector, should be disposed of within 30 days from the receipt therefore, treating it as an application filed in the disposed of suit, without opening any independent proceeding in this behalf. Such application should be treated as a request to a Judge or Court to send necessary papers to the Collector for effecting partition under Section 54 of CPC. Such application is really nothing but a request to the Judge or Court to discharge his ministerial duty. In view of this, even no notice to any of the parties to the application is necessary as it is not a petition seeking any adjudication of any of the rights of the parties.

These directions shall also be applicable to all such pending petitions/applications must be disposed of as early as possible, at any rate, on or before 31st October, 2001. The Registrar, High Court is directed to

communicate this order to all the concerned Courts.

These directions would also reduce the congestion of the corridors of the executing Courts wherein number of such applications are registered as regular Darkhast execution applications and are kept pending for years together for one or the other reasons.

4] Considering above directions given by Hon'ble Bombay High Court, present execution petition is filed for sending relevant papers to District Collector, Nanded for effecting partition under section 54 of Code of Civil Procedure. Therefore, it is necessary to send all relevant papers to the District Collector, Nanded for effecting partition under section 54 of Code of Civil Procedure. Hence, I pass following order.

ORDER

Concerned Clerk is directed to send all relevant papers U/s 54 of C. P. C. to District Collector, Nanded for effecting partition as per decree.

(Rajesh R. Patki)

Date : 10/06/2026

2nd Joint Civil Judge Sr.Dn.,
Bhokar