

DECREE

IN THE COURT OF JT. CIVIL JUDGE (JR. DN.), UMRER
(Presided by A.V. Pandit)

Regular Civil Suit No.73/2014
(CNR No.MHNG10-000835-2014)

Exh. No.80

- 1) Shri. Sanjay S/o Premdas Gaikwad,
Age 42 years, Occu. Labour,
R/o. Thana, Tah. Umrer, Distt. Nagpur.
- 2) Shri. Manoj S/o Premdas Gaikwad,
Age about 35 years, Occu. Labourer,
R/o. Thana, Tah. Umrer, Distt. Nagpur.
- 3) Shri. Arun S/o Premdas Gaikwad,
Age about 42 years, Occu. Labourer,
R/o. Thana, Tah. Umrer, Distt. Nagpur.
- 4) Shrimati Kamlabai Wdo Vinayak Patil,
Age about 60 years, Occu. Housewife,
R/o. Beltrodi, Tah. & Distt. Nagpur.
- 5) Shrimati Malabai Wd/o Ranjeet Moon,
Age about 45 years, Occu. Housewife,
R/o. Plot No.56, Arya Shatapdi Chowk,
Ring road, Nagpur, Tah. & Distt. Nagpur.

...PLAINTIFFS

-- Versus --

- 1) Shri. Aadesh S/o Madhukar Lokhande,
Age about 36 years, Occu. Cultivator,
R/o Deoli (Sawangi)
Tah. Hingna, Distt. Nagpur.

- 2) Shri. Nilesh S/o Madhukar Lokhande,
Age about 32 years, Occu. Cultivator
R/o. Deoli (Sawangi)
Tah. Hingna, Distt. Nagpur.
- 3) Sau. Prabhulata D/o Madhukar Lokhande,
Aged about 30 years, Occu. Housewife,
R/o Deoli (Sawangi)
Tah. Hingna, Distt. Nagpur.
- 4) Smt. Dharmasheela Wd/o Madhukar Lokhande,
Aged about 50 years, Occu. Cultivator,
R/o. Deoli (Sawangi)
Tah. Hingna, Distt. Nagpur.
- 5) Dharmdas Kamble,
Age about 40 years, Occu. Labourer
R/o. Bharkas, Tah. & Distt. Nagpur.
- 6) Indu Dhongde,
Age about 40 years, Occu. Housewife
R/o. Borkhedi, Tah. Umrer, Distt. Nagpur.
- 7) Dharmdas Kamble,
Age about 40 years, Occu. Labourer,
R/o. Bharkas, Tah. & Distt. Nagpur.
- 8) Lataru Laxman Kamble,
Age about 40 years, Occu. Labourer,
R/o. Sathgaon, Tah. & Distt. Nagpur.
- 9) Prem Laxman Kamble,
Age about 35 years, Occu. Private
R/o. Sathgaon, Tah. & Distt. Nagpur.

- 10) Bablu Laxman Kamble,
Age about 30 years, Occu. Service,
R/o. Sathgaon, Tah. & Distt. Nagpur.
- 11) Prakash Laxman Kamble,
Aged about 28 years, Occu. Private,
R/o. Sathgaon, Tah. & Distt. Nagpur.
Distt. Nagpur.

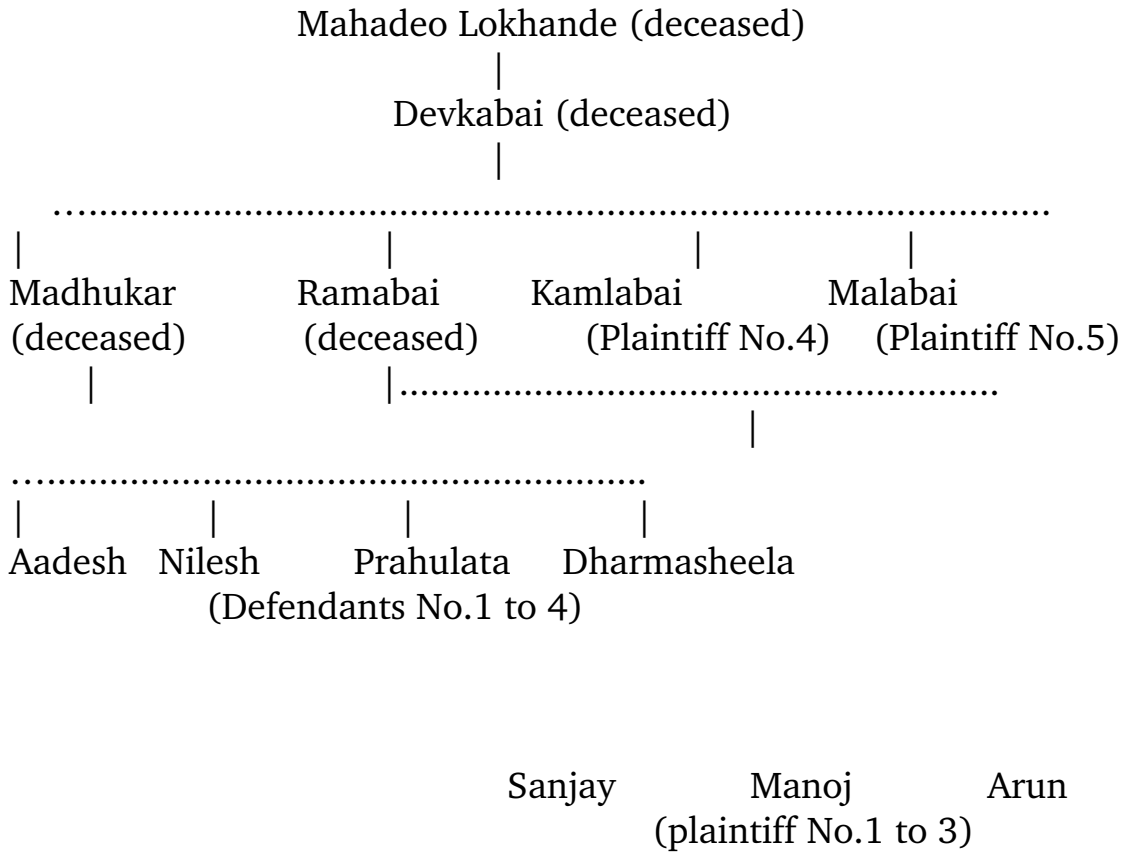
...DEFENDANTS

**SUIT FOR DECLARATION, PARTITION AND SEPARATE
POSSESSION AND PERMANENT INJUNCTION**

1] This is a suit for declaration, partition, separate possession and permanent injunction.

2] Brief facts of the plaintiffs' case is as under :-

That mother of plaintiff No.1 to 3, plaintiff No.4, Plaintiff No.5 and father of defendant No.1 to 3 and husband of defendant No.4 Late Madhukar were real son and daughter of Late Mahadeo, who expired in 1977. wife of deceased Mahadeo i.e. Devkabai expired on 3.9.2005. Madhukar expired in 1992. mother of plaintiffs Ramabai expired on 12.5.2000. Following are genealogical tree of plaintiff and defendants.



3] Father of plaintiff No.4 and 5 during his lifetime owned and possessed ancestral field at Thana bearing Gat No.12/1 area 3.24 Hector and field Gat No.12/2 area 1.61 Hector. The above property shall be referred as suit property.

4] That the suit fields were ancestral property of deceased Mahadeo who received in a oral partition between himself and his brother and father Dashrath. In that partition, Mahadeo was allotted 12 acre land and Ramdas allotted 12 acres land. Sister of Late Mahadeo relinquished their share orally from abovesaid property but their names were mutated in Revenue record.

Therefore, they are not party to the suit.

5] Defendants are very well aware of the said facts. Plaintiffs on number of occasions requested to partition to defendant but defendants refused their request. Plaintiff No.1 felt something fishy and went to Patwari to see revenue record and was shocked to see that defendants mutated the field Gat No.12/1 showing their joint names purporting to be partitioned. On perusal partition alleged to have been taken on 25.5.2009. It is specifically submitted that Ramabai expired in 2000, Shanti Sukhdeo Kamble expired in 1998, Kaushyala Laxman Kamble expired on 9.4.2000, Subhadra Kamble expired on 20.10.2014. Therefore, there is no question of partition by Late Shanti and Kaushlya. Kaushlyabai stated to plaintiff that she has not executed any partition deed before revenue authority. It is seen that entire record is illegal and manipulated.

6] That plaintiffs are residing at above mentioned address and demanding partition to the suit field. They want to keep the field intact. Defendant assured to give share to plaintiff but inspite of assurance, they were hesitant to give share. Therefore, plaintiff No.1 to 5 claiming their $\frac{1}{4}$ th share each in suit property by partition and separate possession. They pray for partition deed is declared to be sham and void. Hence, they filed this suit.

ORDER

- 1] Suit is dismissed.
- 2] No order as to costs.
- 3] Decree be drawn up accordingly.
- 4] Judgment dictated and pronounced in open court.

Place :- Umrer
Date :- 13.12.2018

SD/-
(A.V. Pandit)
Jt. Civil Judge, (Jr.Dn.),
Umrer.

Bill of Cost

Sr. No	Particulars	Plaintiffs	Defendant No.1 to 4	Defendant No.5 to 11
1.	Stamp on Suit	1000.00	00.00	00.00
2.	Stamp on Vakalatnama	10.00	20.00	10.00
3.	Stamp on Process	30.00	00.00	00.00
4.	Stamp on documents	35.00	00.00	00.00
5.	Stamp on applications	95.00	100.00	60.00
6.	Pleader Fees	512.00	512.00	512.00
	Total Rs.	1682.00	632.00	582.00

Given under my hand and seal of this court on
28.12.2018.

Umrer.
Dt. 28.12.2018

(A.V. Pandit)
Jt. Civil Judge (Jr.Dn.),
Umrer.

Prepared by Bench Clerk -----

Plaintiff's advocate was absent.

Defendants' advocates were absent.