

R.C.S No.73/2023
Anjanabai Vrs. Harischandra & ors.
Exh.52

MHNG100015532023



Received on : 30/08/2023
Registered on : 30/08/2023
Decided on : 18/03/2026
Duration : 02Y. 06M. 18D.

IN THE COURT OF 2nd JOINT CIVIL JUDGE JUNIOR DIVISION,
UMRED, DIST. NAGPUR

(Presided over by Ravi. S. Mankar)

Regular Civil Suit No.73/2023

Exh.No.52

- 1] Anjanabai Wd/o Khanduji Chandankhede(Dead),
Age- 92 Yrs. Occ.- Nil.
- 2] Sandhya Pralhad Gomase(Lrs. of plt. No.1)
Age- 68 Yrs. Occ.- Housewife.
Both R/o. Sindi Railway,
Tq-Seloo, Dist-Wardha.Plaintiff

V e r s u s

- 1] Harischandra Mahadevrao Telrandhe,
Age-55 Yrs. Occ.-Farmer
R/o. Ward No.1, Bela,
Tah-Umred Dist-Nagpur
- 2] Sau.Mayabai Bhaiyyaji Jodhe,
Age-60 Yrs. Occ.-Housewife
R/o. Maharana Pratap Square, Mangalwari Peth Umred,
Tah-Umred Dist-Nagpur

3] Sau. Latabai Murlidhar Zode,
Age-51 Yrs. Occ.-Housewife
R/o. C/o. Murlidhar Zode, At-Pipra,
Tah-Umred Dist-Nagpur

4] Dhanraj Pandurang Gillurkar,
Age-55 Yrs. Occ.-Farmer,
R/o.Makardhokda,
Tah-Umred Dist-Nagpur

..... Defendant's

**SUIT FOR DECLARATION, PARTITION AND SEPARATE
POSSESSION.**

Shri.M.R.Dhande :- Learned advocate for plaintiff.
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Shri. A. R. Zade:- Learned advocate for defendant Nos.1 to 3 (Suit is proceeded without W. S. against defendant No.4.)

J U D G M E N T
(Delivered on 18th March 2026)

This is the suit filed by plaintiff for declaration, partition and separate possession.

Brief facts of the plaintiff case:

2] The plaintiff averred that, her grandfather Ganbaji died in the year 1984. Her grandmother Zingabai died in the year 2016. Ganbaji born one son namely Khandu Chandankhede and two married daughters namely Gayabai Mahadev Telrandhe and Shantabai Pandurang Gillurkar. After the death of Khanduji and Anjanbai the plaintiff No.2 become legal heirs and

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successor of the late Khanduji Chandankhede. After the death of Gayabai Mahadev Telrandhe who died on 26.05.2016 then, defendant No.1 become the successor and legal heirs of deceased Gayabai Mahadev Telrandhe as her sole son. The Gayabai Mahadev Telrandhe also having one daughter namely Manda Mahadev Telrandhe. But, she expired on 30.05.2019 hence, her name was deleted from the 7/12 extract of suit property. After the death of Shantabai Pandurang Gillurkar defendant 2, 3 and 4 becomes the successor and legal heirs of the deceased Shantabai Pandurang Gillurkar.

3] The grandfather of plaintiff namely Ganbaji had owned and possessed the ancestral agricultural field property situated at Mauza Pipra, Tah-Umred, Dist-Nagpur bearing P.H.No.31 and survey No.278 area 1.56 H. R. land as more particularly comprised in para No.3 of the plaint. (To avoid repetition hereinafter, the aforesaid survey No.278 is referred as suit property).

4] After the death of deceased Gangabaji the names of plaintiff and defendants got mutated on 7/12 extract of the suit property as being legal heirs. The plaintiff being sole legal heir of deceased Khanduji having 1/3 share and right in the suit property along with 1/3 share and right of defendant No.1 being sole legal heirs of deceased Gayabai and 1/3 share and right of defendant Nos. 2 to 4 being legal heirs of deceased Shantabai Pandurang Gillurkar in the suit property. This suit property is

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Hindu Undivided Family and same has not been partitioned by metes and bounds till today between plaintiff and defendants. Plaintiff severally asked the defendants to effect the partition of the suit property. But, defendant not paid heed to the request of plaintiff. Hence, constrained to file present suit.

5] On the other hand, defendant Nos.1, 2 and 3 appeared before the Court and filed their written statement at (Exh.23 and 24) and admitted the claim of plaintiffs.

6] Despite of ample opportunities being given the defendant No.4 failed to file his written statement within stipulated time and suit is proceeded without written statement of defendant No.4 as per order passed on dated 28.03.2024.

7] After going through the pleading of both sides and documents on record following points arisen for my determination, I recorded findings thereon with reasons stated below.

Sr. Nos.	ISSUES	FINDINGS
1.	Whether plaintiff proves that suit property is the ancestral property of the plaintiff and defendants?	In Affirmative
2.	Whether suit property is already partitioned?	In Negative
3.	Whether plaintiff is entitled for the 1/3 share and possession thereof in the suit property as prayed?	In Affirmative

4.	Whether plaintiff is entitled for partition as prayed?	In Affirmative
5.	What order and decree	As per final order

R E A S O N S

8] In order to substantiate the claim, the plaintiff Sandhya Pralhadrao Gomase, examined himself at (Exh.27) and in support of oral evidence she relied upon documentary evidence as under;

Exh.48 - True copy of Adhikarabhilekh Panji of old Gat No.113.

Exh.29 - True copy of 7/12 extract of Gat No.278.

Exh.30 - True copy of Namuna 8A of Gat No.278.

Exh.31 - True copy of Map of Gat No.278.

Exh32 - Office copy of notice issued to the defendants.

Exh.33 to 36 - Postal receipts.

Exh.37 to 39 - Acknowledgment receipts.

Exh.40 - True copy of Adhar Card of plaintiff.

Exh.43 - Evidence close purses.

9] On the other hand, defendant Nos.1 to 3 filed pursis at (Exh.44) wherein contended that they are not interested to lead evidence as they have been admitted the claim of plaintiffs. The defendant No.4 not adduced the evidence hence, no evidence order passed against him on dated 12.12.2025.

As to issue No.1

10] In order to substantiate the claim, the plaintiff Sandhya Pralhadrao Gomase enter into witness box and filed her evidence affidavit at (Exh.27) and reiterated the contents of plaint. After going through the evidence of plaintiff it came in her evidence that the suit property is the ancestral property of the plaintiff and defendants. It came in her evidence that after the death of Khanduji and Anjanabai she became the legal heir and successor of the late Khanduji Chandankhede. After the death of Gayabai Mahadev Telrandhe who died on 26.05.2016 defendant No.1 become the successor and legal heirs of deceased Gayabai Mahadev Telrandhe as her sole son. The Gayabai Mahadev Telrandhe also having one daughter namely Manda Mahadev Telrandhe. She also expired on 30.05.2019 hence, her name was deleted from the 7/12 extract of suit property. After the death of Shantabai Pandurang Gillurkar defendant 2, 3 and 4 becomes the her successor and legal heirs.

11] It also came in her evidence that, she being legal heirs of deceased Khanduji. She having 1/3 shares and rights in the suit property along with 1/3 share of defendant No.1 and 1/3 share of defendant Nos.2 to 4 as comprised in the plaint. It came in her evidence that suit property is Hindu Undivided Family and same had not been partitioned by metes and bounds till today. In support of her oral testimony, she produced true copy of Adhikarabhilekh panji at (Exh.48). I perused the same

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document wherein, the name of Ganaba is shown as a owner and possessor of the property situated in old Survey No.113. She also produced true copy of 7/12 extract of the suit property bearing Gat No.278 at (Exh.29). I perused the 7/12 extract wherein the name of Anjanabai Khandu Chandankhede, Dhanraj Pandurang Gillurkar, Mayabai Bhaiyyaji Jodhe, Latabai Murlidhar Zode, Harischandra Mahadev Telrandhe, Sandhya Pralhad Gomase shown as the possessor of the field property bearing Gat No.278. Then, the plaintiff filed true copy of Namuna 8A of Gat No.278. Wherein, also the name of Anjanabai Khandu Chandankhede, Dhanraj Pandurang Gillurkar, Mayabai Bhaiyyaji Jodhe, Latabai Murlidhar Zode, Harischandra Mahadev Telrandhe, Sandhya Pralhad Gomase are shown as the possessor of the suit property. Then, the plaintiff filed true copy of Map of the suit property at (Exh.31).

12] From the perusal of the record it appears that the name of the plaintiff is shown in the 7/12 extract of the suit property as a legal heir of deceased Khanduji. On the other hand, the defendant Nos.1 to 3 filed their pursis and admitted the claim of plaintiff. So far as defendant No.4 is concerned, he has not filed written statement and thereby, suit is proceeded without written statement against him. Moreover, ample opportunities are given to adduced the evidence. However, defendant No.4 is failed to adduce the evidence. Hence, no evidence order passed against him.

13] Considering the evidence adduced by the plaintiff it appears that on the basis of oral and documentary evidence she has proved that the suit property is the ancestral property of the plaintiffs and defendants. Moreover, the evidence adduced by the plaintiff has gone unchallenged as the defendant No.4 failed to cross-examine to the plaintiff. Apart from this the defendant No.1 and 3 admitted the evidence of the plaintiff. Hence, in view of above discussion I answer to issue No.1 in Affirmative.

As to issue No.2.

14] It has come in the evidence of plaintiff that the suit property is yet not partition among the plaintiffs and defendants and same is the property of Hindu Undivided Family and not partition by mets and bound. Same version of the plaintiff is admitted by the defendant Nos.1 to 3. Defendant No.4 not adduced evidence and not appeared to cross-examine to the plaintiff as well. Hence, the evidence of the plaintiff has gone unchallenged. Therefore, in view of above discussion I answer to issue No.2 in Negative.

As to issue Nos.3 & 4

15] As I already hold that the suit property is the ancestral property of the plaintiffs and defendants. Moreover, the plaintiff has proved this fact by adducing reliable documentary evidence on record. The plaintiff issued notice to the defendants at per (Exh.32 to 39) and sought partition in the

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suit property. However, as per the version of plaintiff defendant not effected partition. As per the record she is the sole legal heirs of deceased Khanduji. Hence, she is entitled for 1/3 share and separate possession thereof in the suit property. Moreover, the defendant No.1 being legal heir of deceased Gayabai is also entitled to get 1/3 share in the suit property. So also the defendant Nos.2 to 4 being legal heirs of deceased Shantabai are also entitled for 1/9 shares of each out of the 1/3 shares of deceased Shantabai. Hence, in view of above discussion I answer to issue Nos.3 and 4 in Affirmative.

As to issue No.5

16] As I already answer to point Nos.1, 3 and 4 in Affirmative and issue No.2 in Negative. Plaintiff and defendants being close relative and therefore, it would be justifiable to direct both parties to bear their own cost. Hence, to answer issue No.5, I pass following order.

ORDER

1. Suit is ex-parte decreed against defendant No.4.
2. Parties to bear their own costs.
3. It is hereby declared that, Plaintiff No.2 is entitled to get 1/3 share in the suit property and separate possession thereof. The defendant No.1 is also entitled to get 1/3 share in the suit property and separate possession thereof. The defendant No.2 to 4 are entitled to get 1/9 share each

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from the 1/3 share of their deceased mother Shantabai from the suit property and separate possession thereof.

4. The partition of the suit property be made by the Collector, Nagpur or any gazetted sub-ordinate of the Collector, Nagpur deputed by him in this behalf in accordance with the above declaration and as per the provision of section 54 of Civil Procedure Code.
5. Decree be drawn up accordingly.

(Judgment dictated and pronounced in open Court.)

(R.S. Mankar)
2nd Jt. Civil Judge Jr. Division
Umred

Date :- 18/03/2026

CERTIFICATE

I affirm that the contents of this P. D.F file Judgment/ Order are same word to word as per the original order.

Name of Court :- Jt. Civil Judge (Jr.Dn.) and
J.M.F.C., Umred, Dist. Nagpur.

Presiding Officer :- R. S. Mankar

Judgment uploaded by :- S.B.Ghardinkar(Stenographer
L.G.)

Date of Judgment/Order :- 18.03.2026

Judgment/Order signed :- 23.03.2026
by the presiding officer on

Uploaded on dated :- 23.03.2026