



ORDER BELOW EXH. 25 IN R.D. 23/2019

Khanderao Chaudhari Vs. Kantabai Chaudhari & others

D. H. has filed the present application for appointment of Advocate court commissioner for making plan for allotment of shares in the suit property Grampanchayat Milakat no. 45, serial no.14. Perused the application.

2. The Ld. Adv. for D. H. would submit that D. H. has share in the suit property as per the decree passed in RCS No. 79/2011. He further submitted that D. H. is in need of possession of the house property out of suit property. He further submitted that one of the suit property is house property, therefore, the appointment of advocate court commissioner is necessary for making plan for allotment of shares of the house property.

3. The Ld. Advocate for J. D. No. 1 to 4 failed to file say. Hence, proceeded without their say. Perused the record. Considered submissions. The decree passed in RCS No. 79/2011 and RCS No. 83/2011 is modified as per the judgment in RCS No. 22/2014 to the extent of agricultural land only. There is no alteration or modification of decree passed in RCS No. 79/2011 regarding house property bearing Grampanchayat house no.45

situated at Dikshi, Tal.Niphad. In my view to decide the controversy between the parties, it is necessary to come on record the condition of suit property for partition and arrangement of allotment thereof. Therefore, for that purpose appointment of advocate commissioner is necessary. The report of commissioner will assist the court to come at proper conclusion of the execution proceeding. Hence, the application deserves to be allowed. Hence, the following order.

ORDER

1. Application is allowed.
2. Advocate Shri. P. V. Bankar is appointed as advocate court commissioner with consent of both parties.
3. The advocate commissioner shall make plan for allotment of shares of house property with consent of both parties.
4. To that effect he shall submit his report on or before 29th November, 2025.
5. He shall visit the suit property (specifically described in para No. 2 of application.)
6. D. H. shall deposit/pay Rs. 2500/- (Rs. Two Thousand five Hundred only) as commission fees.
7. D. H. shall provide necessary documents to commissioner.

Date : 09/10/2025

(P. D.Kolekar)
Jt.Civil Judge Junior Division,
Pimpalgaon(B.).