



Reg Dkst/8/2025
Shivaji Parbat Sathe Vs. Karbhari Shankar More
ORDER BELOW EXH. 27, 30.

01. The present execution is filed for recovery of possession as per judgment and decree in RCS No. 60/2001 dated 26.08.2024.

02. The application Exh. 27 is filed by DH for re-issue possession warrant as per Judgment and decree by removing the structure and obstruction thereon where as JD has filed application Exh.30 to stop the execution of decree. Heard both, perused the written notes of argument and bulk of document filed by the JD.

03. Hon'ble Apex Court in **Periyammal(Dead) Through Lrs & Ors. v. V. Rajamani & Anr. Etc. (Neutral Citation : 2025 INSC 329)** has directed to dispose off all the execution petition within a period of 06 months.

04. Earlier DH has filed application Exh. 19 for measurement by TILR and handing over possession by Bailiff of this court as per Judgment and decree in RCS No. 60/2001 and Exh. 21 was filed for police protection. Earlier JD has filed application Exh. 15 and stated that, JD was in possession of 13 guntha area since long but said facts was not pleaded or stated in suit, appeal and therefore he has moved an application before the Tahsildar and said proceeding for correction of 7/12 Extract is pending and therefore prayed to stay the proceeding till further order received from Tahsildar but said application was rejected by this court. The JD thereafter has filed the present application to stop the execution stating that, the Tahsildar has passed an order dated 20.04.2026 and corrected

the revenue record since prior to dated 15.10.1946 and therefore prayed to stop the present execution proceedings.

05. The execution court can not go beyond the decree. The Judgment and decree in RCS No. 60/2001 is final and there is no stay for execution of said decree. The revenue record if any is corrected after passing decree and that to since after 15.10.1946. The Judgment is conformed by Hon'ble High Court. There are no ground to stop the execution. Hence, application Exh. 30 has not found any substance at this stage in this matter and therefore the application Exh. 30 is rejected, application Exh. 27 is allowed in the interest of Justice as per rule on payment of necessary charges. Concern to comply.

Date:-08/05/2026

(S.S.CHHALLANI)
Civil Judge J. D.,
Chandwad.