

MHNS200013722013 	Presented on : 24/09/2013 Registered on : 24/09/2013 Decided on : 11/06/2026 Duration : 12Y 08M 18D
---	--

IN THE COURT OF 2nd JT. CIVIL JUDGE JUNIOR DIVISION,
SINNAR

(Presided over by Rushikesh R. Jadhav)

Regular Civil Suit No. 302/2013

CNR No. MHNS-2000-1372-2013

Exhibit No.67

Plaintiffs	Punjabai Bhaurao Kakad (Avhad) Age- 71 Years, Occupation- Agriculturist R/o. Manori, Tq. Sinnar, Dist. Nashik.
Advocate for the Plaintiff	Shri. S. V. Jadhav
Defendants	1. Kacharu Ramchandra Kardel, Age- 65 Years 2. Bhaskar Ramchandra Kardel, Age- 62 Years Nos. 1 & 2 Occupation- Agriculturist R/o. Manori, Tq. Sinnar, Dist. Nashik.
Advocate for the Defendants	Shri. S. D. Chandore.
Date of Filing of Suit	24.09.2013
Date on which issues are framed	25.04.2017

Date of commencement of evidence	18.03.2023
Date on which judgment is reserved	11.06.2026
Date of the Judgment	11.06.2026

LIST OF PLAINTIFFS/DEFENDANTS WITNESSES

A- Plaintiffs

Rank	Name	Nature of Evidence
PW-1	Mangal Kacharu Kardel	Power of Attorney Holder of the Plaintiff

B- Defendant witnesses, if any-

Rank	Name	Nature of Evidence
--	--	--

LIST OF PLAINTIFFS, DEFENDANTS AND COURT EXHIBITS

A- Plaintiffs

Sr. No.	Exhibit No.	Description
1	25 & 57	7/12 extract of Gat no. 311
2	26 & 58	7/12 extract of Gat no. 146
3	27 & 60	7/12 extract of Gat no. 314
4	28 & 59	7/12 extract of Gat no. 270
5	29 & 61	7/12 extract of Gat no. 238
6	30 & 62	7/12 extract of Gat no. 519

7	36	7/12 extract of Gat no. 302
8	37	7/12 extract of Gat no. 313
9	38	7/12 extract of Gat no. 504/1
10	39	7/12 extract of Gat no. 526/a
11	40	7/12 extract of Gat no. 226/1/1
12	44	Evidence close pursis filed by the plaintiff
13	64	Power of Attorney dated 21.03.2022
14	63	Gav namuna 8A extract

B- Defendants-

Sr. No.	Exhibit No.	Description
1	45	Evidence close pursis filed by defendant no. 2
2	41	Extract of 8 of CTS no. 127
3	46 & 50	7/12 extract of Gat No. 146
4	47	7/12 extract of Gat No. 314
5	48	7/12 extract of Gat No. 270
6	49	7/12 extract of Gat No. 239
7	56	7/12 extract of Gat No. 519
8	45	Evidence close pursis filed by defendant no. 2
9	42	Extract of Mutation Entry no. 723

J U D G M E N T

(Delivered on: 11.06.2026)

The plaintiff has filed the present suit for partition, separate possession and injunction in respect of the suit properties.

Brief facts of the case are as follows:

2. The plaintiff has brought the suit in respect of the following lands:

Sr. No.	Gat Number	Area mentioned in the Suit	Area as per 7/12 extract
1.	311	00 H 04 R	00 H 04 R
2.	314	00 H 12 R	00 H 12 R
3.	146	01 H 22 R	01 H 22 R & 02 R Potkharaba
4.	270	00 H 18 R	00 H 16 R & 27 R Potkharaba
5.	238	00 H 65 R	00 H 65 R & 02.50 R Potkharaba
6.	519	00 H 65 R	00 H 68 R

3. The above-mentioned lands, which are situated in the village Manori, Tq. Sinnar, Dist. Nashik, more particularly described in paragraph 1 of the plaint, are the suit properties.

4. It is the case of the plaintiff that the suit properties are ancestral joint family properties of the plaintiff and the defendants. The plaintiff and the defendants are in joint possession and

cultivation of the suit properties. It is contended that no partition has taken place between the plaintiff and the defendants in respect of the suit properties. The plaintiff further contends that the suit properties originally belonged to Ramchandra Kardel as his ancestral properties. After the demise of the said Ramchandra Kardel, the suit properties devolved upon the plaintiff and the defendants, being his legal heirs. Consequently, their names came to be recorded in the 7/12 extracts pertaining to the suit properties. The plaintiff further contends that on 15.08.2013, she demanded partition of the suit properties. However, the defendants refused to give her share in the suit properties to the plaintiff. Therefore, the plaintiff has instituted the present suit for partition and separate possession and injunction to restrain the defendant nos. 1 & 2 from alienating the suit properties till the partition of the suit properties by metes and bounds.

5. Defendant No. 2 filed his Written Statement (Exh. 19) and opposed the claim of the plaintiff. He contended that he has no relationship with the plaintiff and that the plaintiff is not the legal heir of the deceased Ramchandra Kardel. Therefore, according to him, the suit is not maintainable. Defendant No. 2 further contended that several persons who have shares in the suit Gat numbers have not been made parties to the suit. He contended that Jagannath Kashinath Kardel has a share in Gat No. 146 along with defendant Nos. 1 and 2. Similarly, Ramesh Shrihari Kardel, Bhojraj Shrihari Kardel, Mohan Shrihari Kardel, Sharad Shrihari Kardel, Chaya Kailas Bodke, Ujjawala Sanjay Kute and Sushila Shrihari Kardel have shares in Gat No. 519. Changdev Kashinath Kardel has a share in Gat No. 238. Genu Shivram Kardel, Jayant Parashram Pawar and Changdev Kashinath Kardel have shares in Gat No. 270. Further,

Murlidhar Balwant Kardel, Mahadu Balwant Kardel and Changdev Kashinath Kardel have shares in Gat No. 311. Since these persons have not been impleaded as parties, the suit is bad for non-joinder of necessary parties.

6. It is further contended that charges of Bank of Maharashtra and Indian Overseas Bank, Manpuri Society, exist over some of the suit properties. However, the said institutions have not been made parties to the suit. Therefore, the suit is not maintainable. Defendant No. 2 also contended that the suit properties are ancestral joint family properties of defendant Nos. 1 and 2. He contend that out of the income derived from the joint family properties, lands bearing Gat Nos. 302, 313, 504/1 and 526/A situated at Village Manori, Tq. Sinnar, Dist. Nashik, and Gat No. 226/1/1 situated at Village Nandur Shingote, Tq. Sinnar, Dist. Nashik, were purchased. However, those properties were not included in the present suit. Hence, the suit is bad for non inclusion of all joint family properties into the common hotchpot. Defendant No. 2 further contended that Ramchandra Kardel, the father of the defendants, died before the year 2000. Therefore, the plaintiff has no right to claim any share in the suit properties. Lastly, it is contended that the plaint does not disclose any cause of action against the defendants. Hence, defendant No. 2 prayed for dismissal of the suit.

7. In spite of service of suit summons defendant no. 1 failed to appear before the court. Hence, suit proceeded ex parte against defendant no. 1.

8. Heard Ld. advocate for the plaintiff Shri. S. V. Jadhav & Ld. advocate for defendant no. 2 Smt. S. D. Chandore. Perused the entire record.

9. The issues framed by my Ld. predecessor at Exh. 22, along with the findings thereon and the reasons therefor, are as follows:

Sr. No.	ISSUES	Findings
1.	Whether the properties are joint family properties of the plaintiff and the defendants?	Yes.
2.	Whether the defendants prove that the plaintiff is not the heir of the main ancestor Ramchandra?	No.
3	Whether the suit is bad for not bringing all the properties of the joint family to a common hotchpot?	No.
4	Whether the suit is bad for non-joinder of necessary parties?	Partly yes. The suit is barred only in respect of suit property Gat no. 270 is concerned.
5.	Whether the plaintiff is entitled to partition and separate possession of the suit properties? If yes, what would be the respective shares of the parties?	Partly yes. The plaintiff and defendant nos. 1 & 2 are entitled to 1/3 rd share each

		in the suit properties except suit property Gat no. 270.
6.	What order and decree?	The suit is partly decree.

REASONS

10. Ld. Advocate for the plaintiff submitted that the plaintiff is the real sister of defendant Nos. 1 and 2 and that there has been no partition of the suit properties between the parties. Therefore, the plaintiff has share in the suit properties. Hence, he submitted to decree the suit in favour of the plaintiff.

11. On the other hand, Ld. Advocate for defendant No. 2 submitted that the suit is bad for non-joinder of necessary parties, as the plaintiff has failed to implead all the co-owners having an interest in the suit Gat Numbers. She further submitted that the plaintiff has not included all the joint family properties in the present suit and, therefore, the suit is not maintainable on account of partial partition. Ld. Advocate for defendant no.2 also submitted that the plaintiff is not the daughter of the deceased Ramchandra Kardel and has failed to produce evidence to establish her relationship. Hence, she prayed to dismiss the suit.

AS TO ISSUE NOS. 1 & 2

12. Both the issues are inter-connected with each other. Hence to avoid repetition of facts they are discussed together.

13. The plaintiff has filed the present suit claiming that the suit properties are ancestral joint family properties of herself and defendant Nos. 1 and 2. According to the plaintiff, the suit properties originally belonged to deceased Ramchandra Keru Kardel, and after his death, the properties devolved upon his heirs, namely the plaintiff, defendant Nos. 1 and 2 and their mother Gangubai. On the other hand, defendant No. 2 has denied the relationship of the plaintiff with the defendants and contended that the plaintiff is not the daughter of Ramchandra Kardel and, therefore, has no right, title or interest in the suit properties.

14. From the pleadings of the parties, it appears that there is no serious dispute regarding the nature of the suit properties. Defendant No. 2 himself has admitted in his Written Statement that the suit properties are ancestral joint family properties. Thus, the only controversy is whether the plaintiff is the daughter of the deceased Ramchandra Kardel and the sister of defendant Nos. 1 and 2

15. In order to prove her case, the plaintiff has examined her Power of Attorney holder, Mangal (PW-1). She testified that the plaintiff is the daughter of the deceased Ramchandra Kardel and is entitled to a share in the suit properties. She also deposed that the suit properties are ancestral joint family properties of the plaintiff and the defendants. The plaintiff has also produced Mutation Entry No. 723 (Exh-42) on record. The said mutation entry shows that after the death of Ramchandra Keru Kardel on 30.01.1986, the names of his legal heirs is recorded in revenue record. The said entry includes the name of Gangubai, widow of Ramchandra Kardel, Defendant Nos. 1 and 2, and also the name of Punjabai Bhaurao Avhad as daughter of the deceased Ramchandra Kardel. The said mutation entry has

remained in force, and there is nothing on record to show that it was challenged before any competent authority.

16. During the cross-examination of Mangal (PW-1), Ld. Advocate for defendant No. 2 put a specific suggestion that Punjabai Bhaurao Avhad was the sister of defendant Nos. 1 and 2 and that since she had no children, a false person, namely Punjabai Bhaurao Kakad, had been substituted in her place for the purpose of filing the present suit. In reply to the said suggestion, the witness admitted that Punjabai Bhaurao Avhad is the sister of defendant Nos. 1 and 2. However, she specifically denied the suggestion that any false person had been substituted in place of the real Punjabai Bhaurao Avhad.

17. The aforesaid suggestion assumes significance because by putting such a suggestion, defendant No. 2 has admitted that Punjabai Bhaurao Avhad was the sister of defendant Nos. 1 and 2. Thus, the relationship between Punjabai and the defendants stands substantially admitted by the defence itself. The only allegation of the defendants is that the present plaintiff is not the real Punjabai Bhaurao Avhad but some other person who has been set up to file a false claim.

18. However, except for making such an allegation and putting suggestions during cross-examination, defendant No. 2 has not led any evidence to prove the same. No documentary evidence, such as a death record, identity document or any other public document, has been produced to establish that the present plaintiff is an impersonator. Similarly, defendant No. 2 has not examined any independent witness or family member to support such a serious allegation. As such, a mere suggestion put in cross-examination

does not amount to proof of the fact suggested. When a party alleges impersonation or substitution of a person, the burden lies upon that party to prove the same by cogent and convincing evidence. In the present case, defendant No. 2 has failed to discharge that burden.

19. On the contrary, the mutation entry and the 7/12 extracts of the suit properties (Exh. 57 to 62) show the name of the plaintiff as the daughter of the deceased Ramchandra Kardel. These documents support the claim of the plaintiff, and there is no evidence on record to disbelieve them. Therefore, this Court finds that defendant No. 2 has failed to establish that the present plaintiff is a false person or that she has no relationship with the defendants. The evidence on record clearly shows that the plaintiff is the daughter of the deceased Ramchandra Kardel and the sister of defendant Nos. 1 and 2.

20. It is also an admitted position that the wife of Ramchandra Kardel, i.e. Gangubai, is also dead. Since the ancestral nature of the suit properties is admitted and since the plaintiff has proved her status as one of the legal heirs of the deceased Ramchandra Kardel. Accordingly, the plaintiff has proved that the suit properties are ancestral joint family properties of the plaintiff and defendant Nos. 1 and 2. Defendant No. 2 has failed to prove that the plaintiff is not the legal heir of deceased Ramchandra Kardel. Hence, Issue No. 1 is answered in the Affirmative and Issue No. 2 is answered in the Negative.

AS TO ISSUE NO. 3

21. Defendant No. 2 contended that agricultural lands bearing Gat Nos. 302, 313, 504/1, and 526/A situated at Village

Manori, Tq. Sinnar, Dist. Nashik, and Gat No. 226/1/1 situated at Village Nandur Shingote, Tq. Sinnar, Dist. Nashik, were purchased from the joint family income. It was further contended that some of these properties stand in the name of the wife of defendant No. 1 and have not been included in the present suit. Defendant No. 2 also submitted that house property bearing C.T.S. No. 127 standing in the name of defendant No. 1 is an ancestral joint family property, but the same has also not been included in the suit. During the course of argument, reliance was also placed on the 7/12 extract of Gat No. 305 of Village Manori (Exh. 66), and it was submitted that the said property is a joint family property which has not been included in the present suit. On this basis, it was argued that the suit is bad for non-joinder of all ancestral joint family properties in common hotch pot.

22. In support of his contention, defendant No. 2 produced certified copies of the 7/12 extracts of Gat Nos. 302, 313, 504/1, 526/A and 226/1/1, 305 (Exhs. 36 to 40 & Exh. 66) and the property card extract of C.T.S. No. 127 (Exh. 41). Perusal of the 7/12 extracts of Gat Nos. 302, 313, 504/1 and 526/A and 226/1/1 (Exh. 36 to 40) it shows that the said agricultural lands stand in the name of the wife of defendant No. 1, while house property in C.T.S. No. 127 stands in the names of defendant No. 1 and his wife. Now the burden is on defendant No. 2 to establish that the aforesaid lands, though standing in the name of the wife of defendant No. 1, were in fact purchased from joint family income. Except for producing the revenue records, defendant No. 2 has failed to produce any documentary or oral evidence to prove the source of consideration for the purchase of the said lands.

23. So far as land in Gat No. 305 of Village Manori (Exh. 66) is concerned, the contention regarding the said property was raised for the first time during the course of arguments by relying on the 7/12 extract produced on record. However, a careful perusal of the written statement filed by defendant No. 2 shows that there is no specific pleading that Gat No. 305 is an ancestral joint family property or that the suit is bad for its non-inclusion. It is a settled principle of law that a party cannot be permitted to travel beyond its pleadings and no amount of evidence can be looked into in support of a case which has not been pleaded. Therefore, in the absence of any specific pleading regarding Gat No. 305, defendant No. 2 cannot be allowed to contend that the suit suffers from non-inclusion of all properties.

24. Defendant No. 2 has also relied upon the decision in ***Govindrao s/o Gangaramji Ajmire vs. Dadarao @ Shrawan s/o Gangaramji Ajmire, 2004(4) Mh.L.J.653*** wherein it was observed that ordinarily all joint family properties should be included in a partition suit so that there can be a complete and effective partition. However, before applying the principle of partial partition, it must first be proved that the omitted properties are joint family properties.

25. In the present case, defendant No. 2 has failed to prove that Gat Nos. 302, 313, 504/1, 526/A and 226/1/1 are joint family properties. Therefore, the question of treating the suit as one for partial partition on account of their non-inclusion does not arise.

26. So far as house property bearing C.T.S. No. 127 is concerned, Mangal (PW-1) in her cross-examination admitted that the said property originally belonged to Ramchandra Kardel. However, the property is presently recorded in the names of

defendant No. 1 and his wife. Apart from the said admission, no evidence has been adduced regarding the nature, extent, or present status of the property. More importantly, defendant No. 2 neither sought amendment of the written statement nor filed any counterclaim seeking partition and separate possession in respect of the said property. In the absence of any such relief being claimed, the mere omission of C.T.S. No. 127 from the suit schedule cannot render the present suit non-maintainable. The facts of the judgment relied upon by defendant No. 2 are clearly distinguishable. In that case, there was sufficient material to show that other joint family properties existed and were deliberately excluded from partition. No such evidence is available in the present case.

27. It is also significant that defendant No. 2 did not take any effective steps during the pendency of the suit to seek inclusion of the alleged omitted properties. Therefore, the objection regarding the non-inclusion of properties cannot be accepted. Defendant No. 2 has failed to prove that the properties bearing Gat Nos. 302, 313, 504/1, 526/A, 226/1/1 and house property C.T.S. No. 127 are joint family properties. Hence, the present suit cannot be held to be bad for non-inclusion of all the ancestral joint family properties. Hence issue no. 3 is answered in the negative.

AS TO ISSUE NO. 4

28. Defendant No. 2 has contended that the suit is bad for non-joinder of necessary parties. According to Defendant No. 2, several persons whose names appear in the revenue record in respect of the suit Gat numbers have not been impleaded as parties. He contended that Jagannath Kashinath Kardel has a share in Gat No. 146 along with defendant Nos. 1 and 2. Similarly, Ramesh

Shrihari Kardel, Bhojraj Shrihari Kardel, Mohan Shrihari Kardel, Sharad Shrihari Kardel, Chaya Kailas Bodke, Ujjawala Sanjay Kute and Sushila Shrihari Kardel have shares in Gat No. 519. Changdev Kashinath Kardel has a share in Gat No. 238. Genu Shivram Kardel, Jayant Parashram Pawar and Changdev Kashinath Kardel have shares in Gat No. 270. Further, Murlidhar Balwant Kardel, Mahadu Balwant Kardel and Changdev Kashinath Kardel have shares in Gat No. 311. It is therefore submitted by Ld. Advocate for the plaintiff that, in the absence of these persons, no effective decree can be passed, and hence the suit is liable to be dismissed. Defendant No. 2 has further contended that charges of Bank of Maharashtra, Indian Overseas Bank and Manpuri Society are shown over some of the suit properties. Since these institutions have not been made parties to the present suit, the suit is barred by non-joinder of necessary parties.

29. At the outset, it is necessary to note that merely because a name of the persons appears in the revenue record, such person does not automatically become a necessary party to the suit. A necessary party is one in whose absence no effective decree can be passed by the Court or whose rights are likely to be directly affected by the decision of the Court. Ld. Advocate for defendant no. 2 also relied on judgment ***Kaliammal Vs. Karuppan, 2001 (1) CCC 82 (Mad.)***, in this case the Hon'ble Madras High Court held that in a suit for partition, all co-sharers who have an interest in the property are necessary parties, and failure to implead any such co-sharer renders the suit defective for non-joinder of necessary parties.

30. On perusal of the 7/12 extracts of Gat Nos. 146, 238, 311 and 519 (Exh. 57, 58, 61 & 62), it shows that though the names

of certain other persons are recorded therein, the respective portions held by those persons have already been separated from the portions claimed by the plaintiff and defendants. The revenue records clearly indicate that the lands of those persons are distinct and identifiable. Further, the adjudication of the present dispute between the plaintiff and defendants would neither affect their independent rights nor prejudice their interests in any manner.

31. When the shares or portions of such persons are separate and independent, an effective decree can very well be passed between the existing parties without their presence. Therefore, merely because their names appear in the revenue record, they cannot be regarded as necessary parties. Consequently, this Court finds that the non-impleadment of such persons does not render the suit defective or non-maintainable in respect of suit property Gat Nos. 146, 238, 311 and 519.

32. Similarly, the 7/12 extract of Gat No. 314 (Exh. 60) shows that the said property stands only in the names of the plaintiff and defendants as their joint property. No third-party interest is reflected therein. Therefore, no question of non-joinder of any person arises in respect of Gat No. 314.

33. However, the position regarding Gat No. 270 (Exh. 59) stands on a different footing. The 7/12 extract pertaining to the said Gat number shows that though certain portions are separately held by other individuals, the land of the plaintiff, defendants and Genu Shivram Kardel is shown as common. Thus, Genu Shivram Kardel has an interest in the said property which forms the subject matter of the present dispute.

34. As such any adjudication regarding the rights of the parties in Gat No. 270 is likely to affect the rights and interest of Genu Shivram Kardel. In his absence, the Court cannot effectively pass a decree. Therefore, this Court is of the considered opinion that Genu Shivram Kardel is a necessary party so far as Gat No. 270 is concerned. Accordingly, his non-impleadment of Genu Kardel is fatal only to the claim relating to Gat No. 270. However, such non-joinder does not affect the maintainability of the entire suit.

35. As regards the contention about charges of Bank of Maharashtra, Indian Overseas Bank and Manpuri Society, the 7/12 extracts of the suit properties do show the existence of charges over some of the properties. However, these institutions are only charge-holders or creditors. The present suit is between the co-sharers/co-owners regarding their respective rights in the suit properties. The decree in the present suit will not extinguish or prejudice their charge. Therefore, they are neither necessary nor proper parties to the suit. Hence, the contention that the suit is not maintainable for non-joinder of banks or financial institutions cannot be accepted.

36. In view of the above discussion, this Court holds that the suit is not bad for non-joinder of necessary parties in respect of Gat Nos. 146, 238, 311, 314 and 519. However, Genu Shivram Kardel is a necessary party in respect of Gat No. 270 and, therefore, the claim relating to the said Gat number cannot be effectively adjudicated in his absence. Hence issue no. 4 is answered partly in the affirmative.

AS TO ISSUE NO. 5.

37. The plaintiff has prosecuted the present suit through her Power of Attorney holder, Mangal (PW-1). Ld. advocate for defendant No. 2 objected to the same and submitted that, in the

absence of permission of the Court, the Power of Attorney holder could not depose on behalf of the plaintiff. The plaintiff also relied on judgment ***Varsha A. Maheshwari v. Bhushan Steel Ltd.*** 2011 SCC OnLine Bom 129, wherein Hon'ble Bombay High Court held that a Power of Attorney holder cannot independently plead or argue a case unless permitted by the Court under Section 32 of the Advocates Act, 1961.

38. In the present case, the plaintiff is represented by an advocate. The Power of Attorney holder has neither argued nor conducted the proceedings on behalf of the plaintiff. She has only stepped into the witness box and deposed regarding facts within her personal knowledge. Therefore, the ratio of the aforesaid judgment is not applicable to the facts of the present case.

39. Defendant No. 2 has also relied on the decision in ***Umesh Bondre v. Wilfred Fernandes***, 2006 SCC OnLine Bom 930 wherein Hon'ble Bombay High Court held that the burden of proving the case lies on the plaintiff and merely because the defendant does not enter the witness box, the case of the plaintiff cannot be accepted automatically.

40. In the present case, however, the plaintiff has successfully discharged the burden cast upon her. While deciding Issue Nos. 1 and 2, this Court has already held that the plaintiff has proved that she is the daughter of deceased Ramchandra Kardel and the sister of defendant Nos. 1 and 2. It is also an admitted position that the suit properties are ancestral joint family properties. Further, defendant No. 2 has failed to prove his contention that the plaintiff is not a legal heir of deceased Ramchandra Kardel.

41. While deciding Issue No. 4, this Court has held that the claim relating to Gat No. 270 cannot be effectively adjudicated in the absence of Genu Shivram Kardel, who is a necessary party in respect of that property. Therefore, no decree for partition can be passed regarding Gat No. 270 in the present suit.

42. Therefore, now the plaintiff and defendant nos. 1 and 2 are the only members of the joint hindu family. Therefore they are entitled to partition of the suit properties except land in Gat No. 270. As such the plaintiff and defendant nos. 1 and 2 are entitled to 1/3rd share each in the suit properties except land in Gat No. 270. Hence I record my finding to issue no. 5 in partly in the affirmative, holding that the plaintiff and defendant nos. 1 and 2 are entitled to partition and separate possession in respect of suit property land in Gat Nos. 311, 314, 146, 270, 238 and 519 and have 1/3rd share each in said suit properties.

AS TO ISSUE NO. 6

43. The plaintiff has established her claim for partition of the suit properties, except suit land in Gat No. 270. Defendant nos. 1 and 2 have unnecessarily compelled the plaintiff to institute the present suit. Therefore the plaintiff is entitled to receive the cost of the proceeding from defendant nos. 1 and 2. While, the defendants have to bear their own costs. In the result and in answer to Issue No. 6, following order is passed:

ORDER

1. The suit is partly decreed.

2. It is hereby declared that, the plaintiff and defendant nos. 1 & 2 have 1/3rd share each in suit property Gat nos. 311, 146, 270, 314, 238 & 519.
3. The partition of the said suit properties be effected equitably by the Collector, Nashik or any Gazetted subordinate of the Collector, Nashik deputed by him in this behalf in accordance with the above declaration of shares in conformity with the law for the time being in force relating to the partition, or separate possession of shares of the said land and the plaintiff be delivered possession of the land of his share.
4. The decree sent to the Collector, Nashik for compliance of the directions given in clause 1 above vide Section 54 of the Code of Civil Procedure.
5. The defendants do pay the cost of the suit to the plaintiff and shall bear their own.
6. Decree be drawn up accordingly.

Place : Sinnar

(R. R. Jadhav)

Date: 11.06.2026

2nd Jt. Civil Judge Jr. Div., Sinnar

CERTIFICATE

I affirm that, the contents of this PDF file of Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer	: S. M. Morankar
Court	: 2 nd Jt. Civil Judge J. D., Sinnar
Date	: 11.06.2026
Judgment signed by the Presiding Officer	: 11.06.2026
Judgment Uploaded on	: 11.06.2026