

MHSN02-000030-2024



ORDER BELOW EXH.19 IN FINAL DECREE No.01/2024
(Balkabai Koli / Shirmabai Koli & Ors)

The suit RCS No.230/1991 was decreed long back on 06.02.2009. Accordingly, the house property in the judgment Paragraph No.1-B i.e. suit property bearing house property No.23, property No.26 situated at village Haripur Gaonthan as well as Gat No.82, Hissa No.1 situated at village Haripur (Gairan) were subject matter of the decree and suit. Separate possession was ordered in the judgment. Now in order to bring the result of judgment into effect for getting fruits of decree it is necessary to implement the judgment under Order 20 Rule 18 (2) of the Civil Procedure Code. Accordingly, this final decree proceeding holds the field under the said mandate. By application Exh.19, the decree holders are craving to implement the judgment by seeking appointment of Court Commissioner for measurement and division of house property as well as issuing precept for measurement and division of agricultural property to District Collector, Sangli for fetching the fruits of decree. The other side i.e. J. D.s failed to submit their say despite sufficient opportunity. Hence, the application proceeded without say.

2. Heard the learned counsel Shri. H. M. Kulkarni for applicants/decreed holder. Unless the subject matter i.e. suit properties in the judgment are measured by the competent authority for division of shares, decree cannot be implemented in letter and spirit. Since suit property No.1-B is the house property, it will be proper to appoint one local advocate as a Court Commissioner. Therefore, it is necessary to appoint the concerned authority to conduct measurement and survey and by dividing the suit properties as per the division of shares mentioned in

the judgment. Resultantly, I proceed to pass the following order.

ORDER

1. Application is allowed.
2. Applicant D. H. to submit the name of one local advocate as appointment of Court Commissioner for division of house property No.1-B.
3. Issue precept to District Collector, Sangli for measurement and division of the agricultural property bearing Gat No.82, Hissa No.1 situated at village Haripur and mentioned in RCS No.230/1991 in the form of decided shares.
4. The Court Commissioner shall issue prior notices to both sides and conduct measurement and division as per directions in the judgment.
5. The Commissioner shall prepare a detailed map showing division of shares in each suit property as mentioned in the above judgment and shall separately conduct panchanama and submit a detailed report.
6. The fees of Court Commissioner be borne by applicants as per rules.
7. The Commissioner shall submit, map, panchnama, tippans and report within one month from the payment of fees by concern applicant.
8. Applicants are directed to submit copy of judgment and decree, the copy of RD, if any, and all documents to be submitted with the writ.
9. CC to issue writ on compliance of copies and papers by applicants.

Sangli
Date:04.12.2025

(Onkar S. Shastri)
5th Jt. Civil Judge Jr. Dn., Sangli