

Order Below Exh. 1 in Final Decree No. 2/2019
Madhukar Hujara Torne Vs Narayan Hujara Torne and other.
(CNR NO.MHSN08001392-2019)

This is an final decree application for possession of partitioned suit property bearing Grampanchayat Malmatta no. 68 situated at Village Aavandi, Taluka-Jath, District- Sangli, as per the preliminary decree passed in RCS No. 194/2015.

2. The notices were issued to the Judgment Debtor. The Judgment Debtor appeared through their Advocate Shri. I.O. Hadimani and filed their say to the final decree application at Exh 14. They stated therein that, they have no objection to appoint the Court Commissioner as per the decree of the Court for partition of Grampanchayat Malmatta no. 68, which is a building and open space admeasuring 42x37 square feet.

3. On perusal of documents on record, it appears that the certified copy of Judgment and Decree bearing RCS No. 194/2015 is filed on record. The suit is proceeded without written-statement of defendant no.1 and ex-parte against defendant nos. 2 and 3 therein, who are the Judgment Debtor nos. 7 to 9. The Judgment Debtor nos. 1 to 6 failed to appear hence, application proceeded ex-parte against them. Therefore, as per the provisions of Order 26 Rule 13 of the Civil Procedure Code and as per the decree passed in the above suit, it is necessary to appoint court commissioner for partition of the suit property. Ld. Advocate for the applicant namely Shri. S.N. Shegunshi and Ld. Advocate for Judgment Debtor nos. 7 to 9 Shri. I.O. Hadimani jointly filed the pursis stating the name of court commissioner as Advocate Shri. A.A. Nitave vide Exh 15. Therefore, in view of judgment and decree passed in above suit and submissions of Ld. Advocate Shri. I.O. Hadimani for Judgment Debtor nos.

7 to 9, it is necessary to appoint court commissioner for partition and possession of the suit property. Hence, I pass following order.

ORDER

1. Advocate Shri. A.A. Nitave is appointed as Court-Commissioner for partition of property Grampanchayat Malmatta bearing no. 68 (6 Khan building and open space admeasuirng 42x37 square feet house property) situated at Village Awandi, Taluka-Jath, District-Sangli, as per the Judgment and Decree passed in RCS No. 194/2015.
2. The applicant/DH is directed to provide necessary documents to the Court Commissioner.
3. The applicant/DH is directed to pay the Court-Commissioner's fee of Rs. 5,000/- (Rupees Five Thousand only) by hand or deposit the same in the Court.
4. The Court-Commissioner is directed to make partition as per the decree passed in RCS No. 194/2015 in the light of the Judgment, decree, present application and say of Judgment Debtor nos. 7 to 9 and submit his report.

Jath.
Date: 22.11.2021

Sd/-
(A. B. Jadhav)
Joint Civil Judge, Junior Division,
Jath.

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

Name of steno	:	Shri. I.G. Ainapure, (Stenographer Grade – III)
Name of court	:	Shri. A. B. Jadhav, Jt. C.J.J.D.& J.M.F.C., Jath,
Order Date	:	22.11.2021
Judgment/order signed by Presiding Officer on	:	25.11.2021
Judgment/order uploaded on	:	24.12.2021