


MHSO070003392010 	<u>ORDER ON EXH. 72 IN R.D.No.27/2010</u> (Passed on 16th December 2025)
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1. The DH has filed this application seeking appointment of surveyor to measure land for the purpose of handing over possession of encroached area.

2. JD and his Advocate are absent. They failed to file say. Advocate for JD had filed application seeking adjournment vide Exh.73 and 74 on 01.10.2025 and 04.11.2025 respectively. First application was allowed and second is rejected. Even after giving sufficient period of 08 months since filing of application till today, the JD failed to file say. Advocate for JD has given 'no instruction' pursis at Exh.75 stating that JD No. 1 and 2 refused to pay costs imposed by order dated 04.09.2025 vide Exh.32 and 68. They have not given further instructions to Advocate. Filing instruction pursis is merely an intimation to the Court about client's lack of communication. As held by Hon'ble Supreme Court in the case of **Shri Digant Vs. M/s. PDT Trading Company and Others 2025 SCC OnLine SC 2524 dated 18.11.2025**, that filing no instruction pursis does not automatically discharge the Advocate from his duties nor did it place a new obligation on the Court to issue fresh notice to the party. The vakalatnama remained on record. Therefore, in the present case in view of no instruction pursis vide Exh.75, there is no need to issue fresh notice to JD No. 1 and 2 before passing any coercive order in this case. Previously two times possession warrant

has been issued and sent for execution. On the last attempt dated 15.04.2013 vide Exh.14, as per panchnama executed by bailiff and surveyor JD and their relatives have created ruckus at the suit property and obstructed bailiff from executing possession warrant. Therefore, there is no need to freshly inform JD No. 1 and 2 seeking their say. This application is pending for 08 months on the record. On the backdrop of all these facts, the application is proceeded without say of JD.

3. Present petition is filed for execution of decree passed wherein the possession of encroached area is directed to be given to DH by JD. Previous attempts of execution of possession warrant have been failed. Considering bailiff report and surveyor report in respect of obstruction caused by JD and their relatives, it is necessary to provide police aid for smooth and effective execution of possession warrant. Considering the need, police aid has been granted vide Exh.71. However, for proper execution of possession warrant, it is necessary to measure encroached area of 12R. and 27R. as shown in map vide Exh.36 which is part of decree. This encroached area is required to be put in possession of DH by demarcating it. This work can be done with the help of Land Record Office. Thus, for the purpose of proper execution of possession warrant it is necessary to appoint surveyor. Hence, following order is passed.

ORDER

1. Application (Exh.72) is allowed.

2. Deputy Superintendent of Land Record Office, Pandharpur is directed to appoint a surveyor in order to assist Court bailiff for execution of possession warrant in order to measure and hand over possession of encroached portion out of agricultural land bearing Gat No.415 situated at village Shelave, Tal. Pandharpur, as shown in map vide Exh.36 annexed with decree.
3. The said surveyor help shall be provided to the DH for one occasion.
4. DH is directed to pay necessary charges of surveyor to the concerned authority.
5. Issue letter accordingly.

Pandharpur.
Date : 16.12.2025.

(Smt. S.S.Raul)
Jt. Civil Judge, Junior Division,
Pandharpur, Dist.- Solapur.

Certificate

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

Name of Stenographer :- D.S.Landage (L.G.)

Court :- Jt. Civil Court,J.D.,Pandharpur.

Date :- 16.12.2025.

Judgment/Order signed by
the Presiding Officer :- 16.12.2025.

Judgment/Order uploaded on :- 16.12.2025.