

MHSO130000262024



R.D. No.11/2024
Dnyaneshwar Gosavi & ors
Vs.
Ramchandra Gosavi

ORDER BELOW EXHIBIT-10

01. The Decree Holders have filed the present application for appointment of Court Commissioner for partition of house properties bearing house No.72/2 ad-measuring 27.88 Sq.mtrs, house No.78 ad-measuring 31.41 Sq.mtrs and house No.74 ad-measuring 19.07 Sq.mtrs all properties situated at mouje Dadshinge, Tal.Barshi Dist.Solapur. According to decree passed in RCS No.364/2019 dated 11/10/2023, the Decree Holders are given 1/4th each share in these house properties. So, to get separate possession of these house properties, it is necessary to appoint an advocate as a Court Commissioner. Therefore, they prayed to appoint an advocate as a Court Commissioner for partition and handing over separate possession of aforesaid house properties.

02. The Judgment Debtor has not filed his say to this application, hence, this application is proceeded without his say.

03. Perused the record before me. Heard to the

learned Advocate of the Decree Holders.

04. On perusal of record, it appears that this court has passed decree in RCS No.364/2019 and thereby allotted 1/4th each share to the plaintiffs and the defendant. However, the Decree Holders have filed this execution petition to enforce the decree passed in above said suit. However, the Decree Holders are seeking relief of appointment of Court Commissioner for partition and handing over separate possession of house properties bearing house No.72/2 ad-measuring 27.88 Sq.mtrs, house No.78 ad-measuring 31.41 Sq.mtrs and house No.74 ad-measuring 19.07 Sq.mtrs all properties situated at mouje Dadshinge, Tal.Barshi Dist.Solapur.

05. As per Order 26 Rule 13 of Civil Procedure Code, 1908, **“Commission to make partition of immovable property—**Where a preliminary decree for partition has been passed, the Court may, in any case not provided for by section 54, issue a commission to such person as it thinks fit to make the partition or separation according to the rights as declared in such decree.”

06. As per the aforesaid provision, it is necessary to appoint an advocate as a Court Commissioner for

partition of aforesaid properties. The Decree Holders have filed a pursis below Exh.14 and thereby prayed to appoint Adv. V.V. Agale as a Court Commissioner in this matter. Considering overall aspects, the application deserves to be allowed. Hence, I proceed to pass following order;

ORDER

- 1) Application Exh.10 is allowed.
- 2) Ld. Advocate Shri. V.V. Agale is hereby appointed as Court Commissioner for partition of house properties bearing house No.72/2 ad-measuring 27.88 Sq.mtrs, house No.78 ad-measuring 31.41 Sq.mtrs and house No.74 ad-measuring 19.07 Sq.mtrs all properties situated at mouje Dadshinge, Tal.Barshi Dist.Solapur.
- 3) It is directed to Decree Holders to deposit required fees for Court Commission in the Court within one month from this order.
- 4) After depositing the required fees in the Court, it is directed to Adv. V.V. Agale to execute the preliminary decree and hand over the 1/4th each share to Decree Holders and Judgment Debtor as per decree passed in RCS No.364/2019 dated 11/10/2023.
- 5) The Decree Holders are directed to provide all the necessary documents to the Court

[4]

R.D. No.11/2024
Dnyaneshwar Vs. Ramchandra

Commissioner.

- 6) It is directed to Court Commissioner to submit the detail report accordingly within one month from this order.
- 7) Issue requisition letter to Court Commissioner accordingly.

(Dictated and pronounced in open Court.)

Barshi.
Date : 03/10/2025.

(Smt. P.V. Raut)
Jt. Civil Judge (J.D.), Barshi.

C E R T I F I C A T E

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

(a)	Name of the Stenographer	:	Shri.S.R. Barangule
(b)	Court	:	Shri.S.B. Vijaykar, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order declared on	:	03/10/2025
(d)	Judgment /Order signed by P.O. on	:	04/10/2025
(e)	Judgment /Order uploaded on	:	04/10/2025