

Order below Exh- 36 in Special Darkhast No.02/2020

(CNR No.-MHST05-000085-2020)

Present application is filed by D.H contending that, as per decree in R.C.S No. 129/2012 he is given 7/72 share, in the 2/3 property of suit property 1B.

2] As such his share be partitioned and it's possession be given to the D.H. It is prayed that there is house property in suit property 1B and as such the share of D.H. be given by T.I.L.R, Karad. Further it is prayed that, suit property 1-C to 1-E being agricultural property its possession be given to Collector Satara.

2] On present application the D.H was ordered and asked to clarify as to which land of suit property are assessed to land revenue. After passing or said order the D.H has clarified below Exh. 43 contending that, suit property 1B is situated in Karad City in Raviwar Peth bearing City Survey No. 179 and it is not agricultural land.

3] Present is decree for partition in which the proper procedure is that an application needs to be moved by plaintiff for appointment of court commissioner for suggesting of partition of suit property. I have orally intimidated this fact various time to concern advocate of D.H but inspite of it no steps are taken accordingly and instead this application is moved for giving possession of the share to D.H. Here, it is appropriate by D.H first

to move an application for appointment of court commissioner for suggesting of partition of suit property 1B and after the report of commissioner the next question of possession would arise. As such the D.H is directed to take appropriate steps in respect of appointment of court commissioner first for suggesting partition of the suit property. As without a report of court commissioner for suggesting partition of suit property directly possession of suit property can not be given to D.H. Accordingly, following Order.

ORDER

1. Application stands filed.
2. D.H to take proper steps as discussed in the order.

Sd/-

Date:- 06/04/2024
Place:- Karad

(Smt.S.Y. Deshmukh)
Jt. Civil Judge, Sr.Division, Karad.