

MHST060004172026



Reg.Dkst. No. 08/2026

ORDER BELOW EXH.01

(Sampat Namdev Shinde Vs Namdev Rama Shinde)

The present execution petition is pending for issuing precept under section 54 of Civil Procedure Code, and to sending matter for partition to collector, Satara as per decree dated 17/01/2024 in R.C.S. No. 75/2018.

2. It is pertinent to note that in the case of **Annasaheb Rajaram Nagane Vs. Rajaram Maruti Nagane (2001 SCC Online Bom 142)**, The Hon'ble Bombay High Court held that an application seeking direction to send necessary papers to the Collector for effecting partition under section 54 of the C.P.C., should be considered as a request to the court to discharge its ministerial duty. Similarly, it is further held that in the said proceeding even no notice is necessary to any of the parties to the application as it is not a petition seeking any adjudication of any of the rights of the parties.

3. Moreover, in the case of **Periyammal Vs. V. Rajmani 2025 SCC OnLine SC 507** the Hon'ble Supreme Court has directed all the judicial officers across the country to dispose off execution petition within period of 6 months from the date of its institution. The present petition is of the year 2024. Therefore, in view of judgment

passed in **Annasaheb Rajaram Nagane (supra)** and in view of directions of **Hon'ble Supreme Court** in the case of **Periyammal (supra)** this Court is of opinion that this execution petition is liable to be disposed off by sending it to the District Collector, Satara. Hence, the following order is passed:-

ORDER

1. Decree passed in R.C.S. No. 75/2018 in respect of suit property be sent to the Collector, Satara for effecting partition and separate possession vide section 54 of the C.P.C.
2. The decree holder is directed to supply necessary documents for the same.
3. The present execution petition is disposed off accordingly.

Place : Dahiwadi
Date : 09/06/2026

Sd/-
(A. Y. Shaikh)
Jt.Civil Judge Junior Division,
Dahiwadi.