

MHST160006292024



**Regular Darkhast No.14/2024  
(Venkat Jedhe Vs. Raghunath  
Jedhe and ors.)**

**Common order below Exh.151 and 154.**  
**(Passed on 8<sup>th</sup> August, 2025)**

The application at Exh.151 has been filed by the applicant/decreed holder for preponing the matter. They submitted that the present execution petition has been filed for the execution of partition decree. They have also filed application at Exh.7 with prayer to restrain proposed non-applicants No.11 to 15 for restraining them from constructing their houses on the suit property, unless there is actual partition as per the decree. They have submitted that the matter was earlier fixed on 19.09.2025. However, there is strong possibility that the proposed non-applicants No.11 to 15 will carry out their further construction over the suit property. Considering the nature of the application and prayer made therein, notices were issued to the concerned other side for calling their say.

2. Accordingly, the proposed non-applicant No.11 through his learned advocate has filed his say at Exh.153. He submitted that the present application is not tenable, as it has not been filed in accordance with the provisions of law. It has only been filed with an intention to tease the present applicant. The present applicant had already filed Civil Suit against the present proposed non-applicants.

In that suit, the application for temporary injunction came to be decided. Subsequently, the present execution proceeding has been filed by the present applicants. Said Regular Civil Suit No.86/2024 is still pending before this Court. Under such circumstances, it is clear that the present execution proceeding has only been filed to tease the present non-applicants.

3. He further submitted that the original decree is dated 30.09.1993 and after a long gap of 31 years, the present execution proceeding came to be filed. It is surprising that after such a long gap, now, the present applicants are claiming for urgent relief. The application filed by the present applicant in RCS No.86/2024 for issuance of notices on temporary injunction application only to the proposed present non-applicants came to be rejected by the Court. In such situation, the present applicants is pressing for temporary injunction application (Exh.5) in RCS No.86/2024 only with a view to grab the suit property from the present non-applicants. The further date i.e. 19.09.2025 in the matter, which is not much far. The present applicants were intentionally absent on last date and thereafter filed the present application only with a view to cause inconvenience to the learned advocate for the proposed non-applicants. The notices for changing the date and preponment of the matter has only been issued to the present proposed non-applicant No.11. Other parties are also having interest in the application Exh.5 in the present matter. Under such circumstances, the matter can not be preponed without issuance of the notices to them. If the application is allowed, it will cause injustice to them, as well. Only

after appearing all the parties, the date can be changed. For all these reasons, he prayed that the application be rejected with compensatory cost of Rs.5,000/-.

4. The application at Exh.154 has been filed by the learned advocate Mr. U.H. Sanas for proposed non-applicants with a prayer that before changing the date and preponment of the matter, notices be issued to the other parties, as well. Said application has been resisted by the decree holder by contending that learned advocate for proposed judgment debtors No.11 to 15 have caused their appearance through their learned advocate.

5. Perused the record. Heard learned advocate Mr. N.M. Wadikar and learned advocate Mr. U.H.Sanas appearing for proposed non-applicants No.11,13 and 14. The perusal of the record shows that the present applicants have filed the application at Exh.5 for addition of proposed non-applicants No.10 to 23. They have also filed separate application for addition of the proposed non-applicant No.24. The record shows that my Learned Predecessor vide order dated 01.04.2025 passed below Exh.5, observed that the proposed non-applicants No.10, 12, 13, 14, 15 to 24 did not appear, even after service of notice of application (Exh.5). It has also been noted that those proposed non-applicants have been served vide Exh.67, 69, 70, 71, 73, 74,77, 78,79, 92, 97,98, 104,105, 107,108 and 109. Under such circumstances, it is clear that those proposed non-applicants have already been informed about the filing of present application (Exh.5) for their addition in the matter. However, even after such

service, they chose to remain absent in the matter. It is also apparent that the proposed non-applicants No.11,13 and 14 have appeared in the matter and learned advocate Mr. U.H. Sanas has filed his vakalatnama for them at Exh.17 and 143 .

6. Under such circumstances, having account to the peculiar facts of the application at Exh.5, it appears that proposed non-applicants No.11,13 and 14 are only contesting it. In such eventuality, on filing of application (Exh.151), the notices to them were rightly issued and in response, they have filed their say through learned advocate at Exh.153. As discussed above, in view of the nature and scope of the application at Exh.5, it is only limited to the proposed non-applicants No.10 to 23. It has already observed that the proposed non-applicants chose to remain absent in the matter except non-applicants No.11, 13 and 14. Resultantly, I do not find any necessity to inform them again about the preponment of the matter. It is also pertinent to note that this case has been registered on the Case Information System, which is meant for the litigants and their advocate to have knowledge about the proceeding and dates fixed in the matter. Therefore, the proposed non-applicant No.11 can not take help of non issuance of prior notices of preponment of the matter to other proposed parties.

7. Importantly, the objection raised by the proposed non-applicants in his say at Exh.153 regarding maintainability of present execution proceeding can be decided at proper stage by giving sufficient opportunity to both the sides. These present applications

are only limited to the preponment of the matter. Therefore, those are required to be decided on today itself.

8. As discussed above, there is no need to issue prior notices to other proposed non-applicants for preponment of the matter. Accordingly, both the applications are disposed of with above observations and the matter is being kept on 12.08.2025.

*Dictated and pronounced in the open Court.*

Place : Wai  
Date : 08.08.2025.

(R.M. Bhende)  
2<sup>nd</sup> Jt. Civil Judge Junior Division,  
Wai, Dist. Satara.

CERTIFICATE

“ I certify that this Order uploaded is a true and correct copy of original signed Order”.

Order dictated on : 08.08.2025

Order checked and signed on : 08.08.2025

Uploaded by : Sunita C. Redekar  
Stenographer (Grade-III)

Uploaded on : 08.08.2025