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Decided on	08/05/2026
Duration	03 Y. 02 M. 15 D.

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, WASHIM.
[Presided over by Anil Subramaniam]

Regular Civil Appeal No. 52/2023
CNR No. MHWS010015992023

Exh. No. 15

1)	Datta Chokhaji Tadake, Aged about 65 years, Occu. Farmer, R/o. Kajalamba, Tq. & Dist. Washim.	... Appellant/original plaintiff.
<u>V E R S U S</u>		
1)	Baban Chokaji Tadake, Aged about 55 years, Occu. Farmer, R/o. Kajalamba, Tq. & Dist. Washim.	
2)	Kamal Bhimrao Bhagat, Aged about 50 years, Occu. Farmer, R/o. Hanwatkhedda, Po. Aamkheda, Tq. Malegaon, Dist. Washim.	
3)	Tai Pandurang Khadse, Aged about 45 years, Occu. Household, R/o. Belora, Po. Adgaon Mutkule, Tq. & Dist. Hingoli.	
4)	Vimal Laxman Kankal, Aged about 60 years, Occu. Household, R/o. Tornala, Tq. & Dist. Washim.	
		... Respondent/ original defendants

APPEAL UNDER SECTION 96 OF THE CIVIL PROCEDURE CODE

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Appearance:-

Mr. G. M. Dhore, Advocate for appellant.

Mr. N. S. Ingole, Advocate for respondent Nos. 1 to 4.

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J U D G M E N T

(Dated 08/05/2026)

1. By the present appeal, the appellant/original plaintiff is challenging the judgement and decree passed by the Ld. Jt. Civil Judge (Jr. Dn.), Washim in RCS No. 09/2018 dated 29/08/2022.
2. The plaintiff/appellant herein filed the suit for partition of the properties mentioned in the plaint contending that they are either ancestral property or self acquired property. The defendants are not intending to partition and hence, the suit for partition.
3. The said suit came to be resisted by filing WS by defendant No. 1 contending that the relationship are not disputed. There are no share of the sisters. He had claimed partition.
4. The defendant Nos. 2 to 4 filed similar WS claiming that they also have share in the suit property equally.
5. In pursuance thereto, issues were framed by the Ld. Trial Court. By way of amendment, the plaintiff added house property therein.
6. As there was no contentious issue as regards the relationship, shares and partition, the plaintiff led evidence and defendant did not lead any evidence. After hearing both the sides, the Ld. trial Court was pleased to decree the suit.
7. Being aggrieved by the share granted in the house property, the present appeal.
8. Heard Ld. counsel for the appellant. None for respondents. Following points arise for my consideration and I answer the same as under for the reasons stated hereinafter.

Sr. No.	Points	Findings
1]	Whether the partition of the house property is just and proper ?	... In the affirmative.
2]	Whether the impugned order requires any interference ?	... In the Negative.

3]	What order ?	... As per final order.
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REASONS

As to Point Nos. 1 & 2 :-

9. The only grievance is of partition of the dwelling house. There is no dispute that the said house is ancestral house. There is no dispute of relationship. Considering that all plaintiffs and defendants are siblings, their rights in the said property equal share stands established and thus, the plaintiff as well as others have 1/5th share in the said house property also.
10. It was tried to be contented that the total house property is merely 630 square feet of property and around 130 square feet would be received by each of them which would be inhabitable. The said question would be open while effecting partition in meets and bounds and when considering if the partition is possible to be affected of the said properties. Considering the same, the said objection cannot be taken at this stage and hence, the order of the Ld. trial Court is correct and justified as regards ascertainment of shares. Hence, I answer point No. 1 in affirmative and point No. 2 in negative and hence, I pass the following order -

ORDER

- 1] The appeal stands dismissed.
- 2] The the judgement and decree passed by the Ld. Jt. Civil Judge (Jr. Dn.), Washim in RCS No. 09/2018 dated 29/08/2022 is hereby confirmed.
- 3] R & P be returned to the trial Court as per rules.
- 4] No order as to costs.
- 5] Decree be drawn up accordingly.

6] RCA No. 52/2023 stands disposed off, accordingly.

(Dictated and pronounced in open Court).

Date:- 08/05/2026.

(Anil Subramaniam)
Principal District Judge,
Washim.

CERTIFICATE

I affirm that the contents of this PDF file word to word are same as per original judgment/order.

Name of Stenographer	:	A. W. Ajmire, Steno (Grade II)
Court Name	:	Principal District & Sessions Judge, Washim.
Date of order/Judgment	:	08/05/2026
Judgment Dictated on	:	08/05/2026
Order/Judgment signed by Presiding Officer on	:	08/05/2026
Order/Judgment uploaded on	:	08/05/2026