

ORDER ON EXH.5 IN R.D.No. 06/2022
(Sushilabai Ramdas Shinde Vs. Ashok Sahebrao Tidke and others)

This darkhast is regarding partition and separate possession in the suit properties. In pursuance of preliminary decree passed in R.C.S. 24/2012.

2. It is the contention of the D.H. that, She has filed present darkhast on the basis of preliminary decree passed in R.C.S. 24/2012. The suit properties being agricultural properties the preliminary decree be sent to the Collector as per Section 54 of C.P.C.

3. The preliminary decree is passed on 18/09/2021. The present darkhast is filed on 18/04/2022. Darkhast i.e. application for execution is made within 2 years from passing of preliminary decree. Therefore, no notice under Order 21 Rule 22 of C.P.C. is required. As per averment in darkhast, the pursis at Exh. 07 filed by D.H. it appears that, No operative stay to preliminary decree till today.

4. In a suit for partition once the court passes decree declaring share of the parties in a undivided estate assess to the payment of revenue to the Government and order division and separate possession such estate in accordance with the share so declared then the court is enjoined to direct such partition or separation be effect by Collector or gazetted officer subordinate to the Collector deputed by him the that behalf. The court passing the decree for the partition under Order 20 Rule 18(1) of C.P.C becomes functus officio in relation to the decree of such decree are to be carried out by the concern revenue officer. For aforestated reasons and in pursuance of preliminary decree passed in R.C.S. 24/2012. Hence, I proceed to

pass following order.

ORDER

1. Precept be sent to Collector, Washim for effecting partition in the suit properties in respect of agricultural land by mets and bounds U/Sec. 54 of C.P.C.
2. The D.H. to supply the necessary documents for compliance with the view to sent the decree/precept to the Collector.

Date :- 21/01/2023.

(S.N.Gavali)
Jt. Civil Judge Junior Division,
Risod.

ORDER ON EXH.1 IN R.D.No. 06/2022
(Sushilabai Ramdas Shinde Vs. Ashok Sahebrao Tidke and others)

In view of Exh. 05 the following order is passed :

ORDER

1. Precept be sent to Collector, Washim for effecting partition in the suit properties in respect of agricultural land by mets and bounds U/Sec. 54 of C.P.C.
2. The D.H. to supply the necessary documents for compliance with the view to sent the decree/precept to the Collector.

Date :- 21/01/2023.

(S.N.Gavali)
Jt. Civil Judge Junior Division,
Risod.

CERTIFICATE

I affirm that the contents of this P.D.F. File
Order/Judgment are same word to word, as per the original
Order.

Name of the Stenographer : **Rohan S. Koshti (L.G.)**
Name of court : Jt.C.J.J.D.& JMFC, Risod.
Date : 21.01.2023
Order signed by the
Presiding Officer : 21.01.2023
Order uploaded on : 23.01.2023