

MHYA220003902025

**ORDER BELOW EXH. 1**

Section 54 of the Code of Civil Procedure provides that the decree for partition of the agricultural lands i.e. the estate assessed to the payment of revenue to the Government, or for separate possession of a share of such an estate, passed by the Civil Court, shall be effected by the Collector or any Gazette subordinate to the Collector. The decree holder has moved this execution proceeding to issue precepts to the Collector, Yavatmal to effect partition between the plaintiff and defendant of R.C.S No. 18/2024. From the record it reveals that R.C.S. No. 18/2024 has been decreed on Dtd. 17.06.2025. Judgment Debtor No. 4 and 6 failed to appear and execution is proceeded Ex-parte against them. Judgment Debtor No. 1, 2, 3 and 5 appeared and filed pursis [Exh. 7] admitting the execution. The decree holder filed pursis [Exh. 8] contending that there is no stay order against instant execution proceeding. Placing reliance on the pursis [Exh. 8] filed by the decree holder, I pass following order :-

ORDER

1. Precepts for partition be issued to the Hon'ble Collector Yavatmal.

2. The partition of property situated at village Pardi Tal. Zari, Dist. Yavatmal described in para 1 of plaint i.e. Gat No. 5/2 area admeasuring about 1.88 H.R. and suit property situated at village Lahan Pandharkawda Tal. Zari, Dist. Yavatmal Gat No. 36 area admeasuring about 2.30 H.R. be effected as per order and judgment passed by this Court in R.C.S. No. 18/2024 by the Hon'ble Collector Yavatmal, or any Gazette subordinate of the Collector Yavatmal deputed by him in this behalf in accordance with the declaration of shares in R.C.S. No.18/2024 and in conformity with the law for the time being in-force relating to partition and separate possession of share of the said land and the plaintiff be delivered the possession of land of his share.

Date : 05/11/2025

(S. S. Kale)
Civil Judge Junior Division,
Zari-Jamni