

CNR No.MHTH170005712008



Presented on : 02/05/2008

Registered on : 02/05/2008

Decided on : 17/07/2026

Duration : Y M D
18 02 15

**IN THE COURT OF JT. CIVIL JUDGE JUNIOR DIVISION,
PALGHAR AT-PALGHAR
(Presided over by : Smt. P.S.G.Chalkar)**

**R.C.S.No.1700090/2008
Exhibit No. 160**

- 1) **Shri. Kamruddin Suleman Shaikh**
Age-Major Yrs, Occ. Retired Teacher,
R/o. Shirgaon, Tal. Dist. Palghar ... **Plaintiff No.1**
- 2) **Smt. Jubeida Shaikhali Shaikh** ... **Plaintiff No.2**
(since deceased)
- 3) **Nasima Akbar Shaikh**
(since deceased)
through LRs ... **Plaintiff No.3**
- 3/1) **Smt. Khadija Iqbal Ghachi**
Age-42 Yrs, ... **Plaintiff No.3/1**
- 3/2) **Shri. Salim Akbar Shaikh,**
Age-43 Yrs, ... **Plaintiff No.3/2**
- 3/3) **Shri. Farooq Akbar Shaikh**
Age-39 Yrs, ... **Plaintiff No.3/3**
- 3/4) **Shri. Izrat Altaf Shaikh,**
Age-40 Yrs,
All R/o. 3/1 to 3/4 R/o. Satpati,
Tal. Dist. Palghar. ... **Plaintiff No.3/4**
- 4) **Shri. Shahnawaz Shaikhali Shaikh**
Age-49 Yrs, Occ. Labour,
R/o. Tal. Dist. Palghar ... **Plaintiff No.4**

- 5) **Shri. Shahnaz Iqbal Shaikh**
Age-48 Yrs, Occ. Housewife,
R/o. Tal. Dist. Palghar ... Plaintiff No.5
- 6) **Husanabano Aslam Shaikh**
(since deceased)
through LRs ... Plaintiff No.6
- 6/1) **Smt. Mumtaz Aslam Shaikh**
Age-43 Yrs, ... Plaintiff No.6/1
- 6/2) **Shri. Shamsheer Aslam Shaikh**
Above 6/1 and 6/2 R/o. Satpati,
Tal. Dist. Palghar. ... Plaintiff No.6/2
- 7) **Shahjahan Shaikhali Shaikh**
Age-46 Yrs, Occ. Service,
R/o. Satpati, Tal. Dist. Palghar ... Plaintiff No.7
- 8) **Smt. Siba Amjad Mulla**
Age-40 Yrs, Occ. Housewife,
R/o. Chinchani, Tal. Dahanu,
Dist. Palghar ... Plaintiff No.8
- 9) **Smt. Tanoja Abdul Shaikh**
Age-38 Yrs, Occ. Housewife, ... Plaintiff No.9
- 10) **Shri. Abdulwahid Shaikhalli
Shaikh**
Age-35 Yrs, Occ. Labour
(Address not mentioned in
the plaint) ... Plaintiff No.10

Vs.

- 1) **Shri. Daud Suleman Shaikh,**
(since deceased)
through LRs ... Defendant No.1
- 1/1) **Shri.Munaf Shaikhdaud Shaikh**
Age-48 Yrs,
R/o. Jagannath Apartment, above
Prashant Hotel, Second Floor,
Palghar, Tal. Dist. Palghar. ... Defendant No.1/1

- 1/2) Shri. Irsad Shaikhdaud Shaikh**
Age-46 Yrs,
R/o. Shirgaon, Tal. Dist. Palghar. ... **Defendant No.1/2**
- 1/3) Shri. Ravish Shaikhdaud Shaikh**
Age-44 Yrs,
R/o. Shirgaon, Tal. Dist. Palghar. ... **Defendant No.1/3**
- 1/4) Smt. Simap Shafat Shaikh,**
Age-42 Yrs,
R/o. Virar, Tal. Vasai,
Dist. Palghar. ... **Defendant No.1/4**
- 1/5) Smt. Havabibi Daud Shaikh,**
Age-60 Yrs,
R/o. Shirgaon,
Tal. Dist. Palghar. ... **Defendant No.1/5**

Represented through:

Plaintiffs : Ld. Adv. Shri.H.V.Tarde, Shri.N.H.Tarde
Defendants : Ld. Adv. Shri.M.V.Joshi, Shri.U.G.Gharat

Claim : Suit for partition and separate possession.

JUDGMENT

(Pronounced in open Court on 17/07/2026)

1. Plaintiff No. 1, original Defendant and predecessor of Plaintiffs No. 2 to 10 are brothers. After the demise of Plaintiff No. 2, 3, 6 and Defendant, their legal representatives were taken on record. During final arguments, Plaintiffs preferred application for amendment regarding area mentioned (1-90 H.R.) of Gat No. 1349 in schedule B. The same came to be allowed subject to costs. Amended plaint was submitted on 23.01.2026. Additional written statement was filed (Exh. 150/B) on 16.02.2026. As per application and order below Exh.

148, additional issue 3-A was added on 26.02.2026. Plaintiffs filed pursis that they do not desire to submit further evidence on 21.03.2025 (Exh. 132) and 11.03.2026 (Exh. 154). Defendants filed pursis that they do not desire to submit further evidence on 15.10.2025 (Exh. 143) and 11.03.2026 (Exh. 153). Written notes of arguments and clarification regarding partition are submitted on 24.03.2026 (Exh. 156) and 16.04.2026 (Exh. 158) by Ld. Advocate for the Plaintiffs. Heard Ld. Advocate Shri.N.H.Tarde for the Plaintiffs and Ld. Advocate Shri.U.G.Gharat for the Defendants on the query regarding partition under Muslim law. No case laws were sought to be submitted. Hence, listed for judgment. Perused record. For the sake of clarity, the amended area in the plaint is dealt with.

2. The suit property (Schedule-A) is described as house property Gram Panchayat house No. 228 worth Rs. 6,000/- ("*suit property house*") in Shirgaon. The boundaries are main road towards eastern side, house of Plaintiff No. 1 and sea towards western side, house of Fakir Adamji towards northern side and house of Ashraf Dandekar towards southern side. The suit property land (Schedule-B) are described as

(I) area of 0.01.90 H.R. in Gat No. 1349 and
(II) rice cultivation agricultural land area 0.84.0 H.R. *aakar* Rs. 11.50 paise in Gat No. 1053 at mauje Shirgaon, Tq. Palghar, Dist. Thane (now District Palghar) ("*suit property land*"). Together suit house property and the two suit property lands shall be referred to as "*suit properties*".

3. Plaintiff No. 1 has not made any claim towards suit house property stating that he has already constructed another

house nearby. The Plaintiffs have prayed:-

- (a) Partition of suit property house No. 228 and separate possession of half portion each given to the Plaintiffs No. 2 to 10 and original Defendant.
- (b) Appointment of Court Commissioner if the Defendant No. 1 refuses execution of decree in terms of prayer (a) above.
- (c) Partition of the two suit property lands and separate possession of 1/3 share each between the Plaintiffs and Defendant and sending the decree to the Collector Jawhar for execution.
- (d) For permission for amendment of plaint, necessary orders and costs from Defendant No. 1.

The Plaintiffs' case :-

4. That, Plaintiff No. 1 Shri. Kamruddin Suleman Shaikh, original Defendant Shri. Daud Suleman Shaikh and one Shri. Shaikh Ali Suleman Shaikh (since deceased and predecessor of Plaintiffs No. 2 to 10) are brothers. Their father Shri. Suleman Bandu Shaikh was the owner of suit house property No. 228 which was also his residential home. He had also acquired 1 and 3 quarters land in Government land in old survey No. 341 part A-1-1-A towards the western side of the suit house property, that acquired land is renumbered as Gat No. 1349. There is a cattle shed in that land. The said Shri. Suleman Bandu Shaikh had also acquired area of 0-84-0 H.R. in old survey No. 180/1 in *mauje* Shirgaon under the tenancy law, that acquired land is renumbered as Gat No. 1053. The suit house property No. 228 and the suit property land in Gat Nos. 1349

and 1053 are the three suit properties.

5. That, Plaintiff and Defendants are Sunni Muslims. The said Shri. Suleman Bandu Shaikh passed away on 04.09.1966. Thereafter, his son Shaikh Ali i.e. husband of Plaintiff No. 2 started residing in Satpati for work. However, he never released his right in the suit properties. Another son Plaintiff No. 1 Kamruddin worked and retired as a teacher in Mumbai. He continued to visit his father's home in Shirgaon. Similarly, Plaintiffs No. 2 to 10 also continued to visit the suit property house for festivals. Even though, suit property house was in the possession of Defendant, Plaintiffs and Defendant continued to collectively utilized the house. Plaintiff No. 1 Kamruddin constructed separate house in the one Guntha open *gavthan* land behind suit property house No. 228 in the year 1992. Plaintiff No. 1 told that Plaintiffs No. 2 to 10 and Defendant may take their share in suit property house No. 228. A five feet road is left from the main road towards the sea on the western side. The Defendant agreed to the same. Hence, Plaintiff No. 1 Kamruddin is not claiming over the suit property house No. 228.

6. That, Plaintiffs and Defendant are independently cultivating in both suit property lands as per their understanding. However, the names of the brothers Plaintiff No. 1, original Defendant and deceased Shaikh Ali Shaikh has continued on the property. Their mother has passed away and she does not have any other legal heir apart from the Plaintiffs and Defendant. The properties are not partitioned.

7. That, the name of deceased Suleman Bandu Shaikh

continued as regards suit property house No. 228 till 1998. As per application dated 18.04.1998 preferred by Plaintiff No. 2 before the Gram Panchayat, Shirgaon, the suit property house was transferred in the names of Plaintiffs No. 1 and 2 and Defendant. The Gram Panchayat resolution was challenged in RCS No. 34/1999 by the Defendant. The said suit was dismissed and Civil Appeal No. 26/2006 came to be dismissed on 27.07.2007. The original Defendant admitted in his deposition dated 06.01.2006 in RCS No. 34/1999 that, the suit property house is not partitioned and Plaintiff No. 2 has a share in the said house and all co-sharers have a share in the suit property agricultural lands. Despite admitting to the Plaintiff's share, the original Defendant refused to partition by metes and bounds. He kept on raising unnecessary dispute with Plaintiff No. 1 from 1988 to 2007. Eventually, the suit and appeal was dismissed. Hence, the present suit is filed for partition and separate possession. The Plaintiff No. 1 has not claimed share in the suit property house but has claimed partition and separate possession in the suit property lands. That, on 18.04.1999 the Defendant refused the Plaintiffs' right over the suit property house and filed another civil suit. The cause of action arose on 27.07.2007 when the dispute was finally adjudicated. Appropriate Court fees is paid. It is prayed that, the suit may decreed and partition and separate possession as prayed may be granted.

The Defendants' case:-

8. The relationship between the parties and their religion, date of death of Shri. Suleman Bandu Shaikh, filing of

RCS No. 34/1999 are admitted facts. It is admitted that, one suit property land in Gat No. 1053 was acquired by Shri. Suleman Bandu Shaikh. *Per contra*, the Defendants have denied the averments in the plaint *vide* written statement (Exh. 08). It is submitted that, false and frivolous averments are made in the plaint. The suit deserves to be dismissed with costs.

9. That, the cause of action never arose as claimed. The suit is filed beyond the period of limitation. The Plaintiffs did not file counter claim in RCS No. 34/1999. Hence, they cannot file the present suit. Despite being practising Muslims, the suit is filed based on the Hindu Succession Act. The family tree mentioned in the plaint is erroneous. The suit property house No. 228 and suit property land in Gat No. 1349 do not belong to deceased Shri. Suleman Bandu Shaikh. The original Defendant is the owner and there is no question of partitioning these two properties. He is residing in the suit property house with his family. He took care of his parents while his brothers stayed away at Satpati and Borivali. The entire house had tiled-roof (कौलारू), he spent Rs. 20,000/- and added cement roofs and constructed new walls. He also paid the house property tax, water tax and electricity bills. The Plaintiffs never objected. They have no share in the house. It is also denied that, the Plaintiffs visited the suit property house for festivals. It is denied that, Defendant consented to share of Plaintiffs No. 2 to 10 in suit property house No. 228 when Plaintiff No. 1 constructed independent house in the year 1992. In 1998, the Plaintiffs got their names added in the suit property house illegally and in connivance with Sarpanch of Gram Panchayat and hence

Defendant had to file RCS No. 34/1999. Their names were illegally added by cheating the Gram Panchayat and to claim non-existing rights over the suit property house. The Plaintiffs did not file counter claim for partition in the earlier suit RCS No. 34/1999 and Civil Appeal No. 26/2006. They are misusing and misinterpreting the decision in that suit and appeal. The house was always in the independent name of the original Defendant.

10. That, property in Gat No. 1053 was never partitioned and nobody is cultivating the same due to issues pertaining to labour, costs, weather conditions. It is lying barren.

11. Hence, it is prayed that the suit may be dismissed with costs.

12. In the additional written statement (Exh. 150) filed after amendment, the Defendant has submitted that during the course of final arguments the Plaintiffs preferred application for amendment to take away the defence. It was an attempt to wrongly match the area mentioned in 7/12 extract (Exh. 19) and the *Kabulayat* (Exh. 22). The amendment and the suit deserves to be dismissed.

ISSUES:-

13. The issues were framed at Exhibit 10/C by the Ld. Predecessor on 30.10.2009. Additional issue 3-A was framed and mentioned in the list of issues on 17.03.2026.

Sr.No.	Points		Findings
1.	Do the Plaintiffs prove that Plaintiff Nos. 2 to 10 are entitled to the $\frac{1}{2}$ share in the suit house and the Plaintiffs are entitled to $\frac{1}{3}$ share in the suit land as legal heirs of Suleman Bandhu Shaikh who was owner of	:	...No

	the suit property?		
2.	Does the Defendant prove that he is owner of the suit house and he is in possession of the same since 75 years?	:	<i>...Barred by res judicata</i>
3.	Whether the Plaintiff Nos. 2 to 10 are entitled to ½ share in the suit house and the Plaintiffs are entitled to 1/3 share in the suit land?	:	<i>...No</i>
4.	Does the Plaintiff prove that the suit was filed within limitation? Does the Defendant prove that the suit is not within limitation?	:	<i>...Suit is barred by limitation</i>
5.	What order and decree?	:	<i>...As per final order</i>

REASONS

14. The issues being intertwined, they are dealt with at relevant portion below. The Plaintiffs have examined two witnesses Plaintiff No. 7 and Gram Panchayat official. The Defendant having passed away, his legal representatives were taken on record. They have examined one witness Defendant No. 1/1. Both sides have submitted documents.

PLAINTIFFS' EVIDENCE:

15. In his Affidavit in lieu of examination-in-chief, PW-1 Shri. Shahjahan Shaikh Ali Shaikh (Exhibit 14) has reiterated the contents of the plaint. He has relied upon:-

i) FOR HOUSE:

He has relied upon the receipts for property tax (Exhibit 17-colly) of house No. 228-B issued in the name of Plaintiff No. 1 Kamruddin for the years 2005-06, 2006-07, 2007-08 to show that Plaintiff No. 1 has a separate house as he is not claiming share in the suit property house No.228. He has also relied upon

property tax receipt of house No. 228-A issued in the name of Plaintiff No. 2 Jubeida for the year 2007-08 (Exhibit 18). At Exhibit 21, form No. 8 of house No. 228A is submitted for the year 2010-11 which reflects name of Plaintiff No. 2 Jubeida.

ii) **FOR LANDS:**

7/12 extract of Gat No. 1053 and 1349 (Exhibit 19-colly) for the year 2007-08 mentioned the area as per suit property description and the names of Plaintiff No. 1, Plaintiff No. 2, Shaikh Ali (predecessor of Plaintiffs No. 2 to 10) and wife Mariambai Suleman Shaikh. The mutation entry No. 4092 (Exhibit 20) reflects that after the demise of Shri. Suleman Bandu Shaikh, names of his sons Plaintiff No. 1, Plaintiff No. 2, Shaikh Ali (predecessor of Plaintiffs No. 2 to 10) and wife Mariambai Suleman Shaikh and daughter Fatimabai Hussain were added as regards survey No. 180/1 and 341/1A. At Exhibit 22 a photocopy of form H is submitted stated to be *Kabulayat* dated 12.01.1993 with condition for 30 years as regards survey No. 341 Hissa No. A-1-1-A (village not mentioned) for construction of house. At Exhibit 43 photocopy of sale deed is exhibited by the Ld. Predecessor as secondary evidence. He has stated that it bears the signature of the vendor Ismailji Mulla in Urdu and has stated that the original document is with the Defendant. However, objection is taken regarding the proof of contents as none of the executors or witnesses are examined to prove the document. At Exhibit 115, notice of production of document by Advocate is submitted. They have also relied upon the proceeding in RCS No. 34/1999 filed by the original Defendant herein against the Gram Panchayat and others. In his

deposition in RCS No. 34/1999, original Defendant (Exhibit 131) has admitted that after his father's demise names of his two brothers and sister were added as regards Gat No. 1349 and house No. 228 was in his father's name. The certified copy of plaint, judgment and decree in RCS No. 34/1999 (Exhibit 138) and judgment and decree in appeal (Exhibit 139) are submitted.

16. In his cross-examination, PW-1 has stated that Suleman Bandu Shaikh was his grandfather who passed away on 04.09.1996, his grandmother Mariam passed away on 09.01.1983. That, he work in S.T. Mahamandal as driver and retired and is original resident of Satpati. He was conversant in spoken Marathi, Hindi, Gujarati, Koli languages. He can read Marathi. The evidence affidavit in Marathi was understood by him. PW-1 has admitted that, RCS No. 34/1999 preferred by the original Defendant against the Gram Panchayat was for cancellation of mutation regarding house No. 228 and does not mention any other property. The area of Gat No. 1349 mentioned in earlier plaint (prior to amendment) 1.90 H.R. was confronted vis-à-vis the 7/12 extract (Exhibit 19) which mentions area as 0.1.90 H.R. PW-1 has admitted that, the *Kabulayat* at Exhibit 22 mentions the name of Suleman Bandu Shaikh. He has also admitted that, it does not mention that the said *Kabulayat* pertains to Shirgaon nor does the map mention the name of the village. PW-1 was confronted with the purported sale deed (Exhibit 43). He has admitted that, it is not a registered document and he could not identify the signatures of the witnesses or beneath the heading of the said documents. That, the said signature is in Urdu, but the translation of Urdu is

not submitted. He could not state who has purchase the stamp paper. He has stated that the consideration mentioned was Rs. 150/-. He has denied that Ismailji Mulla never existed. The said document is prior to his birth.

17. In his cross-examination he has stated that, they asked for partition in 1982. He has denied that, Plaintiffs have no right over the suit properties. He has admitted that, where the suit property house No. 228 was exactly built in *gavthan* land is not stated by him in his affidavit. He has not submitted any documents regarding the house construction. He had no proof that, Defendant had agreed that Plaintiff No. 1 may build a separate house and Plaintiffs No. 2 to 10 and Defendant may get a share in suit property house No. 228. He had no proof that, Defendant had given consent for five feet road from the sea. He could not clarify how much land is actually cultivated nor did he have any document to reflect the agreement between the parties regarding cultivation, no map was made regarding the same.

18. **PW-2 Shri. Ravindra Lubansingh Patil** (Exhibit 123) is the Gram Panchayat officer at Shirgaon who appeared as per witness summons. He has submitted the verified copies of Gram Panchayat monthly meeting dated 23.05.1992 (Exhibit 124) which mentions at resolution No. 11/3 that, in order to give permission for construction to Plaintiff No. 1, he was required to submit consent deed of his two brothers on a stamp paper. Exhibit 125 is regarding Gram Panchayat meeting dated 23.10.1992, at 69/1 it is mentioned that, all the three brothers be called to the Gram Panchayat to decide the application of Plaintiff No. 1. Exhibit 126 is regarding Gram Panchayat

meeting dated 26.06.1995, which mentions at resolution No. 24/1 that, Plaintiff No. 1 has constructed house after taking permission of Gram Panchayat and had submitted consent document of Plaintiff No. 2, the property tax was accordingly levied. The said document also contains (Exhibit 127) house tax levied for the year 1995-96.

19. In his cross-examination PW-2 has admitted that, he was not asked to bring documents neither did the witness summons mentions documents were called. He has denied that, he has submitted the said documents on his own. He was working in Shirgaon Gram Panchayat since 2020. He was not working in the Gram Panchayat during 1992 to 1995 when the resolutions were passed. He has admitted that, Exhibit 124 mentions that stamp paper has to be given however said document were not available. He also did not have knowledge if the three brothers were called as per resolution in Exhibit 125. He has also admitted that some blank space is left next to resolution No. 24/01. He has stated that, the documents mentioned are not available. The resolution does not mention the house number. The copies do not bear signature and stamp of the Court. He has denied that, he was deposing falsely to help the Plaintiff. He has stated that, some of the old documents were destroyed when the Gram Panchayat shifted due to infestation (वाळवी).

DEFENDANT'S EVIDENCE:

20. Original Defendant having passed away, his legal heir Defendant No. 1/1 DW-1 Shri. Munaf Shaikh Daud Shaikh

submitted his Affidavit in lieu of examination-in-chief (Exhibit 133). He has reiterated the contents of the written statement. The ownership of predecessor late Shri. Suleman Shaikh over suit property house No. 228 and one of the suit property land No. 1349 is denied. The original Defendant was not examined. No documents are submitted.

21. In his cross-examination DW-1 has stated that, original Defendant is his father, after he passed away Defendant No. 1/2 looks after the litigation and DW-1 is attending since one year. He was deposing on behalf of more Defendants. He has admitted that his grandfather Suleman Bandu Shaikh was residing in the suit property house and the house was in his name till 1998 and in 1998 names of Plaintiffs No. 1 and 2 and Defendant were added, whose names have continued. He has voluntarily stated that, the names are forcefully added. The proceedings in RCS No. 34/1999 regarding suit property house No. 228 was shown to the witness. He admitted that, Defendant had prayed that, he be declared owner of suit property house No. 228. Although, DW-1 has denied that, suit and appeal were dismissed, the documents reflect that, the suit and appeal were dismissed. It is also suggested that, the house tax is paid as 228A, B, C. DW-1 has stated that his father was paying for same. He has stated that names were wrongly added on assessment form 8 and his father is appealed against it. He has denied certain contents of the deposition of his father original Defendant. He has admitted that his father had admitted that partition had not taken place. He has denied the suggestions regarding separate house of Plaintiff No. 1, deposing falsely.

FINAL CONCLUSIONS:-

SURMISES ON THE BASIS OF EVIDENCE:

22. The suit is regarding partition of suit property house No. 228 and land mentioned in Gat Nos. 1349 and 1053. Based on the oral and documentary evidence submitted, it appears that the sons of legal heirs of late Suleman Bandu Shaikh are not examined. The documents pertain to Gram Panchayat resolutions which are not regarding the suit property house No. 228. The earlier suit RCS No. 34/1999 and appeal was regarding suit property house No. 228. The judgment and decree was upheld in appeal. Nothing is brought on record to reflect that the judgment in said appeal is set aside. The receipts for property tax (Exhibit 17-colly) are of house No. 228-A and 228-B and not regarding the suit property house No. 228. The *Kabulayat* regarding the land does not mention name of the village for which it is granted. The mutation entry No. 4092 (Exhibit 20) mentions survey No. 180/1 and 341/1A. However, no document is submitted to reflect that it pertains to suit property. Even if, deposition from RCS No. 34/1999 is considered, it mentions only about house No. 228 and that mutation entry pertains to Gat No. 1349. However, it may be noted that, the plaint mentions survey No. 180/1 but does not mention survey No. 341/1A. The mutation entry No. 4092 (Exhibit 20) reflects that, late Shri. Suleman Bandu Shaikh through whom the parties are claiming had three sons, daughter and wife. However, the daughter Fatimabai Hussain is not a party to suit of partition. She was a necessary party. In his deposition in RCS No. 34/1999, original Defendant admitted

that partition did not take place. The proceeding also reflects that negative finding is given to the issue that the original Defendant is the owner of the suit property house No. 228. The question of possession as a garb to challenge the said judgment and decree cannot be examined. Hence, issue No. 2 in the present case is barred by *res judicata*. Hence, issue No. 2 is accordingly answered.

23. As regards limitation, PW-1 has stated that they had asked for partition in the year 1982 (Exhibit 14, cross-examination dated 13.11.2024). Hence, the suit is barred under the Limitation Act, 1963. Hence, issue No. 4 is accordingly answered.

24. As regards, partition, the relief of partition could have been sought in the earlier suit. Even if, *arguendo*, the relief may be agitated now, the evidence reflects that the daughter of late Shri. Suleman Shaikh is not a party to the present suit. The suit property description is not brought out through documents as claimed. Hence, partition cannot be granted. Issues No. 1,3 are accordingly answered.

25. In the present facts, for the aforesaid reasons, it cannot be said that the Plaintiffs have been able to make out their case and bringing record evidence to the extent of "preponderance of probabilities" as is expected to enable this Court to grant the final reliefs as prayed.

26. Considering the tenor of litigation, parties to bear own costs. In these circumstances, as to issue No.5,

ORDER

- 1) The suit is dismissed.

- 2) Costs in cause.
- 3) Decree be drawn up accordingly.
- 4) Suit is accordingly disposed of.

(Pronounced in open Court.)

Place: Palghar

Date: 17/07/2026

(**Smt.P.S.G. Chalkar**)

2nd Jt. Civil Judge Junior Division,
Palghar.

CERTIFICATE

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

Name of Stenographer	---	Prathamesh D. Patane
Court	---	2 nd Jt.CJJD & JMFC, Palghar.
Date	---	17.07.2026
Order signed by the Presiding Officer on	---	17.07.2026
Order uploaded on	---	17.07.2026