

CNRNo.MHPU150006802025

Received on : 08-05-2025

Registered on: 08-05-2025

Decided on : 10-07-2026

Duration : Ys. Ms. Ds.
01 02 02.**IN THE COURT OF 7th JT. CIVIL JUDGE****SENIOR DIVISION, BARAMATI****(Presided over by M. J. Daule)****REGULAR CIVIL SUIT No.170/2025****Exh.No. 22**

- 1) Saraswati Shashikant Dhore**
Age : 59 years, Occu. : Housewife,
- 2) Dipak Shashikant Dhore**
Age : 44 years, Occu. : Agriculture,
- 3) Sushant Shashikant Dhore**
Age : 37 years, Occu. : Agriculture,
- 4) Rani Mahendra Mandlik**
Age : 42 years, Occu. : Housewife,
- 5) Sarika Ganesh Bhosale**
Age : 35 years, Occu. : Housewife,
All R/o. Baramati, Tal.Baramati,
Dist.Pune.

... Plaintiffs.**-Versus-**

- 1) State of Maharashtra**
through the Collector, Pune
Collector Office, Pune. **... Defendant.**

Claim :- For Declaration of Civil Death.

Appearance :

Ld. Advocate Shri. M. R. Nalande for the plaintiff.

Ex-parte against defendant.

J U D G M E N T
(Delivered on 10th July, 2026)

This is the suit filed for declaration of Civil Death.

Plaintiff case brief as under:-

2. Plaintiffs have instituted present suit for declaration of civil death and for declaration of ownership in respect of following properties.

Gat no.	Area	Assessment	Located at
195/1	8 H 84 R PK 0 H 61 R	8 Rs. 44 Ps.	Anjangaon, Tal.Baramati.
221/3/ a/2/b	0 H 2 R	0 H 4 Ps.	Baramati, Tal.Baramati.
196	0 H 3 R	0 Rs. 6 Ps.	Anjangaon, Tal.Baramati.

3. The above mentioned properties are hereinafter referred as "*suit properties*".

4. Plaintiffs have pleaded that Shashikant Nana Dhore is the husband of plaintiff no.1 and father of plaintiff no.2 to 5. On 16.01.2015 Shashikant Nana

Dhore has left the home and cut off all the contacts. Therefore, on 16.01.2015 the missing complaint bearing no.3/2015 was registered with the Police Station Baramati City. In spite of ample efforts the presence of Shashikant Nana Dhore was not secured neither any information about him is received and hence, Shashikant Nana Dhore is missing for more than 10 years.

5. Now, as the Shashikant Nana Dhore is missing for substantial period plaintiffs are facing multiple problems in respect of suit properties. Therefore, now they have constrained to institute present suit for declaration of civil death of Shashikant Nana Dhore and also for declaration of ownership of suit properties.

6. It is necessary to mention here that even though the plaintiffs are claiming declaration of ownership of suit properties but vide pursis Exh.19 they have not pressed the said prayer. Accordingly, the suit is proceeded only in respect of prayer of plaintiff in respect of declaration of civil death of the Shashikant Nana Dhore.

7. In response to the suit summons was issued to the defendant however, he has failed to appear and hence, suit was proceed ex-parte against him.

8. Following points arise for my determination findings to which with reasons are discussed as under,

SR. NO.	POINTS	FINDINGS
1.	Whether plaintiffs prove that deceased Shashikant Nana Dhore is missing since more than last 7 years?	Yes
2.	Whether plaintiffs are entitled for the relief of declaration of civil death of Shashikant Nana Dhore as prayed for?	Yes
3.	What order and decree?	Suit is decreed.

REASONS

Plaintiff has relief upon following evidence:-

Oral Evidence :-

- | | | |
|-----------|-------------------------------|--------|
| 1. | Dipak Shashikant Dhore (PW-2) | Exh.13 |
| 2. | Ganesh Ashok Dhore (PW-1) | Exh.20 |

Documentary Evidence :-

- | | | |
|-----------|---|--------|
| 1. | Certificate of Police Station Baramati City | Exh.14 |
| 2. | 7/12 extract of Gat no.195/1 | Exh.15 |
| 3. | 7/12 extract of gat no.221/3/a/2/b | Exh.16 |
| 4. | 7/12 extract of gat no.196 | Exh.17 |

- | | |
|--|--------|
| 5. Notice send to District Collector, Pune | Exh.18 |
| 6. Postal receipt | Exh.19 |

REASONS**POINT NO.01 :-**

9. In order prove the case plaintiff no.2 Dipak deposed on record. His Affidavit of examination in chief is nothing but replica of his plaint. In evidence he has specifically deposed that on 16.01.2015 his father has left their house and since then he is missing. He has further stated that since last 10 years no one has seen his father nor heard anything about him. He has also deposed that in spite of due scared till date the where about of his father are not tress out.

10. In support of his case plaintiff has relied upon the certificate issued by police station Baramati City which shows that the missing complaint of Shashikant Nana Dhore was registered on 16.01.2015.

11. Plaintiffs further have relied on the evidence of Ganesh PW-1 who in evidence deposed that plaintiff no.1 is his aunt and plaintiff no.2 to 4 are his cousins. He has also corroborate the plaintiff as to the fact that his uncle i.e. Shashikant Nana Dhore is missing since from 16.01.2015 and thereby corroborated the

evidence of plaintiff.

12. At this moment it is necessary to mention here that all the evidence adduced by plaintiff has gone unchallenged as the suit is proceeded ex-parte.

13. Section 11 of the Bhartiya Sakshya Adhiniyam 2023 provides that when the question is whether the man is alive or dead and it is proved that he has not been heard for 7 years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

14. In the case in hand the plaintiff no.1 is wife and plaintiff no.2 to 4 are children of the Shashikant Nana Dhore. The evidence record clearly prove the fact that plaintiffs have not heard of Shashikant Nana Dhore for 7 years. Further as the suit proceed ex-parte naturally there is no one who has challenged the evidence of plaintiff and therefor there is no ground the discard the evidence of plaintiff. Accordingly, In view of above discussion, it is probable to hold that plaintiffs have successfully prove that Shashikant Nana Dhore is missing since more than 7 years and I answer

to point no.1 **affirmative**.

POINT NO.02 :-

15. In view of my affirmative findings to point no.1 as the plaintiffs have succeeded to prove that Shashikant Nana Dhore is missing since from last more than 7 years, therefor, plaintiffs are entitled for the relief of declaration of civil death. Accordingly I answer to point no.2 in **affirmative**.

POINT NO.3 :-

16. In view of affirmative findings to point no.1 and 2 the suit of plaintiffs deserves to be decreed. Accordingly, I pass following order,

- O R D E R -

- [i]** Suit is decreed.
- [ii]** It is hereby declare that Shashikant Nana Dhore, the husband of plaintiff no.1 and father of plaintiff no.2 to 5 is presume to have died in law.
- [iii)** Decree be drawn accordingly.

(Judgment dictated & pronounced in open Court)

Dated : 10/07/2026.

Place : Baramati

(M. J. Daule)

7th Jt.Civil Judge Sr. Div.,
Baramati, Dist.Pune.

CERTIFICATE

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

Name of the Stenographer : **B.V.Pukale**
(Stenographer Grade-III)

Name of the Court : **Shri. M. J. Daule**
7th Jt. C.J.S.D. Baramati.

Date : **10.07.2026**

Order signed by the
presiding officer on : **10.07.2026**

Order uploaded on : **10.07.2026**