

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

6 WRIT PETITION NO. 10578 OF 2016

MOTANBAI RAMDAS PATIL
VERSUS
GOVIND RAMDAS PATIL DIED LRS MADHAV GOVIND
PATIL AND OTHERS

Shri. Amit S. Savale, Advocate, for petitioner.

CORAM: T.V. NALAWADE, J.

DATE : 5 DECEMBER 2016

ORDER:

1) The petition is filed to challenge the order made on Exhibit 64 in Regular Darkhast No.13/2012 pending in the Court of the Civil Judge, Junior Division, Taloda, District Nandurbar. Heard learned counsel for the petitioner.

2) It appears that in execution proceeding present petitioner has filed application for rectification of the boundaries of Survey No.53/3 (Gat No.81). It is contended that the boundaries which were earlier fixed were destroyed by the objector and unless and until the

boundaries are again fixed it is not desirable to effect partition of this property. Learned counsel for the petitioner submitted that the petitioner is also entitled to get share in the said property. The suit property being agricultural land, the revenue authority will be doing the actual division of the land as per Section 54 of the Civil Procedure Code.

3) It is clear that the application was not made with honest intention and there is possibility that the present petitioner is trying to help the objector. The decree holder will suffer unnecessarily if such steps are allowed to be taken. There will be no problem for the revenue authority to do partition as per the revenue record. There are no merits in the petition. The petition stands dismissed.

Sd/-
(T.V. NALAWADE, J.)

rsl