

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2635 OF 2018
WITH
WRIT PETITION NO. 5745 OF 2018

Gautam Sadashiv Kamble

...Petitioner

Versus

Prakash Sadashiv Kamble & Ors.

...Respondents

Mr. Sumedh Modak i/b Vijay Killedar for the petitioner.
Mr. T. S. Ingale for respondent Nos. 1, 3, 5 to 7.

Coram : Sharmila U. Deshmukh, J.

Date : July 10, 2023.

P. C. :

1. Not on board. Upon mentioning, taken on board.
2. The challenge in the petition is to the order of the executing Court handing over possession of the share of respondent no. 7 pursuant to the execution application filed by respondent no. 7. The suit was filed for partition in the year 1993 which came to be decreed in the year 2003. Subsequently, under section 54 of the CPC, the precept was sent to the Tehesildar who has prepared the partition map for partitioning the property and pursuant thereto had issued a

notice in the year 2014 to the parties for handing over the possession as per the map.

3. Learned counsel for the petitioner has an objection to handing over the possession to the respondent no. 7 his share as per the decree. His contention is that the decree is executed only as regards the respondent no. 7. The fact in case is that there is partition map and each party will be entitled to their share as per the partition map. Prima facie the objection raised by learned counsel for the petitioner cannot be sustained for the reason that notice was issued in the year 2014 and the shares of the parties are to be handed over as per the partition map which is not disputed. Hence, no order.

4. List the petition for further consideration on **10th August, 2023.**

[Sharmila U. Deshmukh, J.]