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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 12567 OF 2019

**DHANSHRI SIDDHESHWAR JADHAV AND
ANR**

....PETITIONERS

V/s.

**MAHADEV DHONDIRAM KHANDARE
AND ORS**

....RESPONDENT

Mr. Mahindra B. Deshmukh Advocate for the Petitioner
Mr. Akshay Kulkarni i/b Mr. Ashutosh M. Kulkarni Advocate for
Respondent no. 1

CORAM : NITIN W. SAMBRE, J.

DATE: MARCH 14, 2022.

P.C.:

1) Having heard Mr. Deshmukh, learned counsel for the Petitioner-
Decree Holder in a Suit for partition and possession, I hardly see any
reason which warrants interference in the order impugned dated
17/04/2018 Civil Judge Junior Division, Vita in Decree Final
Application No. 2 of 2010 arising out of execution of Decree dated
10/12/2009 passed in Regular Civil Suit No. 83 of 2005.

2) Petition stands rejected.

3) It is clarified that Respondent no. 1 to the Petition who purchased 1/3 share vide Sale Deed dated 05/12/2011 from Respondent nos. 3a, 3b & 4 will be entitled to share as ordered in the impugned order. His entitlement to particular property which is mentioned in the Sale Deed will be appreciated at appropriate stage. As such, the issue to that effect will be looked into by the Executing Court while allocation of the land pursuant to the share already awarded vide Decree for partition and possession.

[NITIN W. SAMBRE, J.]