

VRJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4675 OF 2022

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Anjanabai Balkrushna Chaughule ... Petitioner
V/s.
Ganpat Babu Badar & Ors. ... Respondents

WITH
INTERIM APPLICATION NO.1775 OF 2023
IN
WRIT PETITION NO.4675 OF 2022

The Tahsildar, Shirur, District Pune ... Petitioner
In the matter between
Anjanabai Balkrushna Chaughule ... Petitioner
V/s.
Ganpat Babu Badar & Ors. ... Respondents

Mr. Bharat Gadhavi with Mr. Chinmay Deshpande i/by
Mr. Tejas Dande & Associates for the petitioner.
Mr. P. G. Sawant, AGP for the respondent/State.

CORAM : AMIT BORKAR, J.

DATED : DECEMBER 11, 2023

PC.:

INTERIM APPLICATION NO.1775 OF 2023

1. Since the order is passed by Hon'ble Justice Milind N. Jadhav who is available at principal seat, office to place interim application before the same Court.

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2. The petitioner is seeking direction against the respondents for expeditious execution of decree for partition passed in Regular Civil Suit No.177 of 1980.

3. The respondents have filed an affidavit annexing communication dated 8th February 2023, which indicates that the area of Gat No.63 shown in 7/12 extract is 0.51H.R; however, actual area in respondents' possession is 0.39H.R. Therefore, it is necessary to get the revenue record correct. The suit for partition and separate possession, the description of the suit property described as per boundaries needs to be taken into consideration.

4. It is, therefore, necessary for executing officer to taking into consideration boundaries described in the plaint and to deliver possession of the area surrounded by boundaries described in the plaint. Therefore, the respondents shall pass an appropriate order delivering possession of suit properties as per decree passed in Regular Civil Suit No.177 of 1980 within eight weeks from today.

5. The writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)